

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

48 & 49 Vic., Ch. 78.

ANNUAL REPORT

OF THE

COMMISSIONERS,

FOR THE YEAR

1890-91,

WITH

ABSTRACT OF THE MINUTES OF THE COMMISSION,
MINUTES OF EVIDENCE, AND APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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1891.

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SIXTH REPORT

OF THE

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

TO HIS EXCELLENCY LAWRENCE, EARL OF ZETLAND,

Lord Lieutenant General and General Governor of Ireland.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Commissioners appointed under the Educational Endowments (Ireland) Act, 1885, have the honour to submit to your Excellency the following Report of our proceedings during the sixth year in which the Act has been in operation, that is, from October 1, 1890, to September 30, 1891.

The powers of our Commission have been extended to March 31, 1893, by "The Expiring Laws Continuance Act, 1891."

The number of meetings which we held during the year for the transaction of the business of the Commission was as follows:

- 131 Meetings of the Full Commission.
- 43 Meetings of the Judicial Commissioners.
- 52 Meetings of the Assistant Commissioners.

Total, 225 Meetings.

A Return of the attendances at these Meetings is annexed; *infra* p. xxiii.

Besides attending the meetings included in this Return, we have individually taken part in the preparation of Schemes, and have attended at the office for the transaction of other business.

The annexed abstract of our Minutes, *infra* pp. xxiv-cxx., contains a summary of our proceedings since our last Report.

During the year, thirty-two Draft Schemes were published; seventeen Schemes were revised, signed by the Judicial Commissioners, and submitted for the approval of the Lord Lieutenant in Council; fourteen Schemes were provisionally approved, two were remitted to us with Declarations, and thirteen were finally approved by the Lord Lieutenant in Council.

Since the commencement of the Commission, one hundred and thirty Schemes have been published; one hundred and six Schemes, including seventeen Amended Schemes, have been signed by the Judicial Commissioners; eighty Schemes have been provisionally approved by the Privy Council, including an Amended Scheme for Rainey's School, Magherafelt, the original Scheme, after provisional approval, having been in part disapproved by a Resolution passed by the House of Commons on December 4, 1890. The total number of Schemes remitted to us by the Privy Council from the commencement is sixteen; and the number of Schemes finally approved by the Lord Lieutenant in Council, and now in force, is seventy-nine.

As no provision is made in our Act to enable the Commissioners to appear upon the hearing of objections before the Privy Council, it has been the practice of the Lord Lieutenant to send such objections to us for our observations. The objections being very numerous, and involving in many cases complicated details, the preparation of these observations has occupied much of our time. Out of one hundred and six Schemes submitted to the Privy Council since the appointment of the Commission, forty-five were objected to, and the aggregate number of distinct objections amounted to one hundred and twelve.

We considered the objections to the sixteen Schemes which were remitted to us by the Privy Council, and subsequently framed Amended Schemes, in accordance with the Act, sec. 25.

Table II., *sup.*
p. xli.

The Endowments already dealt with include School premises valued at £10,233 2s. 2d. a year, an annual income from houses and lands of £18,010 2s. 9d. and from trust funds of £20,154 19s. 8d.; the yearly income from fees, subscriptions, and other sources, of the Institutions to which these Endowments are attached, is estimated at £64,705 2s. 6d.; the total amount of the property to be administered in each year under the Schemes already published is therefore £113,103 9s. 1d.

Tables annexed to this Report.

We beg to refer to the Tables annexed to this Report for information as to the details of our work, under the following headings:—

Table I., p. vii.

Table I. Draft Schemes already published, with the stages through which each Scheme has passed.

Table II., p. xli.

Table II. Endowments and Income of the Institutions for which Draft Schemes have been published.

Table III., p. xviii.

Table III. Objections and Amendments received and considered by the Commission during the past year.

Table IV., p. xix.

Table IV. Endowments with respect to which inquiries have been held, and the preparation of Schemes is under consideration.

Table V., p. xx.

Table V. Endowments declared exempt from the compulsory jurisdiction of the Commission.

Table VI., p. xxi.

Table VI. Exempt Endowments with respect to which applications for Consent Schemes have been received.

Table VII., p. xxii.

Table VII. Public Meetings of the Commission held during the past year.

The Commissioners of Education and the Ulster Royal School Endowments.

At the date of our last Report, we were engaged in revising the Third Amended Scheme for the Ulster Royal School Endowments, in accordance with the declaration with which it was remitted by the Lord Lieutenant on November 13, 1890. A Fourth Amended Scheme was signed by the Judicial Commissioners on December 8, 1890. No objection was made to this Scheme, and it was provisionally approved by the Lord Lieutenant in Council on March 5, 1891, and finally approved on May 22, 1891.

"The Commissioners of Education in Ireland" as reconstituted by this Scheme, and the Protestant and Roman Catholic Local Boards created thereby for the several Ulster Royal School Districts, have since entered on their work, and the Scheme is now in operation. It may be useful to place on record the original form in which the Draft Scheme for these Endowments was published by the Commission, the explanatory Memorandum by which it was accompanied, and the Scheme as it finally became law. We therefore print these documents in Appendix B; *infra*, pp. 211-253.

Schemes laid before Parliament.

At the date of our last Report, Scheme No. 48, for Rainey's School, Magherafelt, after provisional approval by the Lord Lieutenant, had been laid before Parliament, in accordance with a petition presented under the Act, sec. 27. On December 4, 1890, a Resolution was passed by the House of Commons disapproving of a portion of this Scheme; and in order to give effect to this Resolution we framed an Amended Scheme, which was submitted to the Lord Lieutenant on June 27, 1891, was provisionally approved on August 31, 1891, and has since been finally approved.

During the year two other Schemes have been laid before Parliament, under the same section of our Act, namely, Scheme No. 29, for the Philshorough Sunday and Daily Schools, Dublin, and Scheme No. 56, for the Gilson Schools, Oldcastle, Co. Meath. In the former case, no Resolution was moved in either House of Parliament within the period prescribed by the Act; in the latter case, a motion to disapprove of the Scheme was negatived in the House of Commons. Accordingly, both Schemes have been finally approved by the Lord Lieutenant in Council.

Endowments founded by Erasmus Smith.

During the year we have resumed the consideration of a Draft Scheme for the Endowments founded by Erasmus Smith, which had been adjourned for the reasons given in our last Report. A majority of the Commission, on February 6, 1891,

agreed to the basis on which this Draft Scheme should be framed, and it has now been printed for the use of the Commissioners; some further time must be expended in revising it, but we hope that the Draft Scheme will soon be published.

Minutes,
No. 76, p. 12.

Inspection and Audit.

At the request of Your Excellency we have submitted a Memorandum, stating our views as to the manner in which we think provision may best be made for the inspection of Schools sharing in the Endowments dealt with in our Schemes.

The prevailing uncertainty and apprehension as to the cost and character of the inspection to be required, continue to create difficulties in the way of Governing Bodies otherwise disposed to take advantage of our Act. We respectfully repeat the expression of our opinion that it is essential to avoid all unnecessary expense; that the inspection should be directed to secure the observance of the provisions of the Schemes, but should not necessarily involve detailed educational examinations of pupils; and that, in the appointment of inspectors, the means and circumstances of the several schools should be considered. In the case of the Methodist College, Belfast, Your Excellency has permitted the Governors to submit the names of three qualified and independent persons, from whom an Inspector has been selected; we believe that if this course were generally adopted in the case of Intermediate Schools, if Local District Inspectors were appointed for the Primary Schools not already subject to inspection, and if, in the cases of Schools already under efficient inspection, the present Inspectors were recognised, and their duties merely extended to the matters required by our Act, all difficulty would be removed.

Inspector.

We have received many communications during the year from persons interested in Endowments for which Schemes have been prepared, or for which Draft Schemes are under consideration, expressing a fear that the audit required by our Act, sec. 17, may involve an amount of expense which would press heavily upon them, and which the Endowments would in many cases be unable to bear. We are aware that the Local Government Board, with which the authority to provide for the audit rests, has in some cases sanctioned the appointment as auditors of competent persons who do not belong to the staff of the Board, and who are willing to act without expense to the Endowments. Where the audit has hitherto been carried out by officers of the Local Government Board, the charges made have been very moderate, but it is desirable that those engaged in the practical working of our Schemes should be definitely relieved from anxiety as to expense. We believe that, for the purposes of Audit as of Inspection, it will be easy to find qualified persons in the localities in which the Endowments are situated, who can efficiently carry out the purposes of the Act without burdening the too scanty resources of the Schools.

Audit.

Insufficiency of Provision for Intermediate Education.

In former reports we have more than once called attention to the inadequacy of the provision made for Intermediate Education in Ireland. We have laid special stress on the fact that in framing a Scheme for utilising the Ulster Royal School Endowments we could make provision only for certain defined districts within that province, and that the claims of the rest of Ireland for similar assistance would thereby be strengthened. As that Scheme has become law, the wants of the rest of the country now stand out in stronger relief. By a recent Act of Parliament, the funds at the disposal of the Intermediate Education Board have been largely increased, but the system administered by that Board does not meet the necessities of localities which are unprovided with Educational resources, or in which these resources are scanty and precarious.

The funds distributed by the Intermediate Education Board discharge a valuable function in providing prizes for deserving students, and in rewarding teachers on the results of examination, but they do not supply the place of Endowments, nor furnish the means of establishing Schools where none already exist, or of acquiring the plant and appliances which are necessary before any school can become efficient. The history of Educational Endowments in Ireland would not seem to justify a revival or continuance of the ancient system, under which freehold interests were created irrespective of educational success, and no effective control or inspection existed. But a moderate amount of money applied, as in the case of the Ulster Royal Schools, for the benefit of defined localities, under the control of a central body, and with an efficient system of inspection, would afford valuable assistance to many struggling institutions, give a large impulse to Intermediate Education in Ireland, and open the advantages of Higher

Education to the best pupils of the Primary Schools in places where they have now no means of obtaining advanced teaching.

In the Memorandum which was addressed to the Chief Secretary on November 30, 1886, we made the following statement in regard to this matter, and five years additional experience has convinced us of its accuracy and importance:—

While the Intermediate Education system has contributed very much to the improvement and extension of teaching in Ireland, these advantages have been attained at great cost to the schools, a cost which even in the largest schools has, we are informed, exceeded the amount received for results fees. We have reason to fear that many schools now in useful operation, will not be able to carry on their educational work unless they receive speedy assistance. We have received a body of trustworthy testimony to the effect that additional funds are required, not so much to supply prizes for the encouragement of deserving pupils as to defray the expense of teaching.

In our last Report, we also called attention to the difficulty of dealing to the best advantage with the Endowments under our jurisdiction, when we cannot at the same time provide upon a comprehensive plan for utilising the other means of education existing in this same locality. We instanced the case of Limerick, where Leamy's Free School, erected to accommodate about four hundred pupils, had an attendance of about one hundred, while a Model School, erected and maintained at the public cost in the same immediate neighbourhood, with accommodation for more than five hundred pupils, was attended by about two hundred. The pupils in both Schools belong substantially to the same class, receive similar education, and are almost all Protestants. At the same time, the Roman Catholic poor of Limerick are without sufficient school accommodation. We mentioned several other instances where capacious Model Schools are attended by comparatively small numbers of Protestant pupils, who might obtain the same class of education in neighbouring Endowed Schools which are injured by their withdrawal, and we made the following observations which we respectfully beg to repeat:—

If each Model School were dealt with separately, according to its own circumstances, and were placed under the management of a local body, having the confidence of the members of whatever religious denomination stood most in need of school accommodation, and if the neighbouring Endowed Schools were at the same time enabled to provide similar education, at the same cost, for pupils of the denominations to which the private Endowments belong, the present waste of public funds upon the partially occupied Model Schools would be saved, those Schools would be fully utilised, and the efficiency of the Endowed Schools would be secured to an extent which cannot be attained by any redistribution or division of the private Endowments alone.

As it is now proposed to allocate a large annual sum to Educational purposes in Ireland, it would seem reasonable that a fair proportion should be applied to assist Intermediate Education in the manner which we have indicated. Many of the difficulties which we have encountered would disappear if even a comparatively small sum were made available to meet local needs in an equitable way, without forcing us to divide between contending claimants the scanty endowments that already exist. The amount required would be greatly reduced, if we were empowered at the same time to deal, in accordance with the wants and circumstances of each locality, with the means of education already provided at the public cost. Where these are not fully utilised, they could be made available by being placed under the management of local bodies, having the confidence of those most needing them, while the Schools which are full and in efficient operation, such as the more important Model Schools in Ulster, could be secured, and made even more suitable, to those who now take advantage of them. These desirable results can only be attained by dealing separately, in some such manner as our Act enables us to do, with the particular circumstances of each case and locality.

All which we have the honour to submit for Your Excellency's consideration as our Report in the premises.

Witness our hands this Thirteenth day of November, 1891.

GERALD FITZGIBBON,	} Commissioners.
WILLIAM O'BRIEN,	
GERALD MOLLOY,	
ANTHONY TRAILL,	
J. B. DOUGHERTY,	

N. D. MURPHY,

Assistant Secretary.

Office of the Commission,

23, Nassau Street, Dublin.

TABLES ANNEXED TO THE FOREGOING REPORT.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed.

Number of Schemes.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme provisionally approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	Country.	Locality.	Name.					
1	Dublin.	Swords.	Swords Borough Schools.	1880. June 15.	1880. Sept. 22.	1880. Oct. 2.	1887. Renewed, March 11.	—
"	"	"	Swords Borough Schools (Amended Scheme).	—	1887. May 21.	1887. May 22.	1887. Aug. 12.	Oct. 17.
2	"	Dublin.	Church of Ireland Training College and Kildare-place Society.	June 14.	Sept. 22.	Oct. 2.	April 4.	June 11.
3	"	Castlerea.	Morgan's and Mercer's Schools.	June 22.	Sept. 22.	Oct. 2.	1888. Renewed, Jan. 2.	—
"	"	"	Morgan's School (New Draft Scheme).	1888. April 15.	1888. Sept. 20.	1888. Oct. 7.	1888. Dec. 16.	1888. Mar. 5.
4	"	Dublin.	Methodist Female Orphan School.	1888. Aug. 21.	1888. Nov. 12.	1888. Nov. 24.	1887. March 2.	1887. June 11.
5	"	Raheny and Coolock.	Raheny and Coolock Parochial Schools.	Aug. 21.	Dec. 12.	Dec. 25.	May 2.	Aug. 16.
6	"	Dublin.	Ormond-quay Presbyterian Church Endowment (Consent Scheme).	Dec. 16.	May 14.	May 16.	July 26.	Oct. 7.
7	Astoria.	Belfast.	Shankill Street Schools.	Dec. 14.	May 14.	May 16.	August 12.	Oct. 17.
8	"	"	Ulster Society for the Education of the Deaf and Dumb, and the Blind.	Dec. 15.	May 14.	May 16.	Renewed, Oct. 7.	—
"	"	"	Ulster Society (Amended Scheme).	—	1887. Feb. 2.	1887. Feb. 11.	1888. Renewed, May 22.	1888. —
"	"	"	Ulster Society (Further Amended Scheme).	—	1887. July 26.	1887. July 26.	1887. Oct. 12.	1887. Dec. 26.
9	Dublin.	Dublin.	St. Patrick's Cathedral Schools (Consent Scheme).	Dec. 17.	May 14.	May 16.	July 26.	Oct. 7.
10	"	"	Alexander College and Alexander School.	Dec. 18.	May 14.	May 16.	July 26.	Oct. 7.
11	Astoria.	Belfast.	Curry School.	1887. June 22.	1887. Oct. 22.	1887. Nov. 2.	1888. Mar. 2.	1888. May 12.
12	Dublin.	Dublin.	Hibernian Marine Society.	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.
13	Armagh.	Lurgan.	Walt's Endowed School.	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.
14	Dublin.	Chancery.	National Association for Promoting the Education of the Deaf and Dumb.	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.
15	Astoria.	Belfast.	Royal Belfast Academical Institution.	June 22.	Feb. 2.	Feb. 11.	Renewed, May 12.	—
"	"	"	Royal Belfast Academical Institution (Amended Scheme).	—	1887. July 26.	1887. July 26.	1887. Oct. 12.	1887. Dec. 26.
16	"	"	Methodist College (Consent Scheme).	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.
17	Down.	Lisferry.	Prior School, Hassard School, and Blackrock School.	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.
18	Dublin.	Dublin.	Merchant Tailors' School.	June 22.	Feb. 2.	Feb. 11.	April 12.	July 2.
19	Monaghan.	Monaghan.	Collegiate School.	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.
20	Londonderry.	Londonderry.	Academical Institution.	June 22.	Oct. 22.	Nov. 2.	Mar. 2.	May 12.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Scheme.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme provisionally approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
31	Antrim.	Lisburn.	Nicholson Endowment (Consent Scheme).	1857. June 25.	1858. Feb. 8.	1858. Feb. 11.	1858. Revised, Aug. 4. 1858.	1858. —
"	"	"	Nicholson Endowment (Amended Scheme).	—	Aug. 5.	Aug. 14.	Feb. 4. 1859.	April 28.
32	"	Belfast.	Ladies' Industrial School.	June 25.	Feb. 8.	Feb. 11.	April 18.	1859. July 2.
33	Londonderry.	Londonderry.	Magdalen Protestant College (Consent Scheme).	June 25.	Feb. 8.	Feb. 11.	April 18.	1859. July 2.
34	"	"	Gwyn's Charitable Institution and Young Endowment.	June 25.	Jan. 14.	Jan. 18.	May 18.	Aug. 2.
35	"	"	Gwyn's School.	June 25.	Oct. 29. 1858.	Nov. 2. 1858.	Mar. 8. 1859.	May 18.
36	Dublin.	Dublin.	Dublin Working Boys' Home and Harding Endowment.	Aug. 8.	Feb. 8.	Feb. 11.	April 18.	July 2.
37	"	"	Bethesda Female Orphan School.	Aug. 8.	Aug. 12.	Aug. 14.	Revised, Dec. 31.	—
"	"	"	Bethesda Female Orphan School (Amended Scheme).	—	Jan. 11.	Jan. 18.	April 25.	June 25.
38	Antrim.	Belfast.	Belfast Royal Academy.	Aug. 8.	Feb. 8.	Feb. 11.	Revised, May 20. Oct. 18.	—
"	"	"	Belfast Royal Academy (Amended Scheme).	—	July 25.	July 28.	Oct. 18.	Dec. 28.
39	Dublin.	Dublin.	Philoborough Sunday and Daily Schools.	Aug. 8.	Jan. 11.	Jan. 18.	Revised, Aug. 4. Revised, Nov. 12.	—
"	"	"	Philoborough Sunday and Daily Schools (Amended Scheme).	—	Aug. 12.	Aug. 16.	Nov. 12.	—
"	"	"	Philoborough Sunday and Daily Schools (Further Amended Scheme).	—	Nov. 22.	Nov. 28.	Feb. 17. 1859.	Aug. 2.
40	County.	Tullyvin and Ballyvaughan.	Tullyvin and Ballyvaughan Schools.	Aug. 8.	Feb. 8.	Feb. 11.	April 18.	July 2.
41	Fermanagh.	Lisnaskea.	Moat School.	Aug. 8.	Feb. 8.	Feb. 11.	April 18.	July 2.
42	Dublin.	Dublin.	St. Peter's School and Mrs. Wray's School (Consent Scheme).	Aug. 8.	Feb. 8.	Feb. 11.	April 18.	July 2.
43	Londonderry.	Culmeke.	Leard Hill School.	Aug. 8.	Feb. 8.	Feb. 11.	April 18.	July 2.
44	Armagh.	Armagh.	Royal School.	1858.	1858.	1858.	1858.	—
45	Tyrone.	Dungannon.	Royal School.	1858.	1858.	1858.	1858.	—
46	Fermanagh.	Enniskillen.	Royal School.	1858.	1858.	1858.	1858.	—
47	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
48	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
49	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
50	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
51	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
52	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
53	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
54	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
55	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
56	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
57	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
58	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
59	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
60	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
61	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
62	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
63	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
64	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
65	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
66	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
67	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
68	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
69	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
70	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
71	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
72	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
73	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
74	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
75	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
76	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
77	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
78	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
79	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
80	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
81	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
82	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
83	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
84	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
85	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
86	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
87	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
88	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
89	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
90	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
91	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
92	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
93	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
94	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
95	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
96	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
97	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
98	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
99	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—
100	County.	County.	Royal School.	1858.	1858.	1858.	1858.	—

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Schemes.	Information.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme positively approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
43			The Church of Ireland Victoria Jubilee Fund (Consent Scheme).	1892. July 2.	1892. April 24.	1892. May 1.	1892. July 26.	1892. Oct. 19.
43	Limerick.	Limerick.	The Villiers' Charitable Institutions.	July 2.	June 23.	July 4.	Oct. 23. 1892.	Dec. 23. 1892.
43	Antrim.	Ballymena.	Gay's Free School.	July 2.	Dec. 21.	Dec. 24.	Mar. 18. 1892.	June 2.
44	"	"	The Ballymena Academy.	July 2.	Dec. 21.	Dec. 24.	Mar. 18. 1892.	June 2.
45	Tipperary.	Glouce.	Cloveland Grammar School.	July 2.	Aug. 12. 1892.	Aug. 14. 1892.	Dec. 21. 1892.	Mar. 12.
46	Kilkenny.	Kilkenny.	Kilkenny College.	Aug. 12.	Jan. 12.	Jan. 19.	Forfeited, May 18.	—
"	"	"	Albany College (Amended Scheme).	—	Aug. 12. 1892.	Aug. 22. 1892.	Oct. 24. 1892.	Dec. 21.
47	Cork.	Cork.	Cork Parochial Schools, Green Coat Hospital, Cork Grammar School, and Buttrick's Charity (Consent Scheme).	Aug. 12.	June 22.	July 4.	Oct. 10.	Mar. 12.
48	* London-derry.	Highgate Hill.	Rainey's School.	Aug. 12.	Jan. 12. 1892.	Jan. 19. 1892.	May 18. 1892.	—
"	"	"	Molloy's School and Sillars Endowment (Amended Scheme).	—	June 24.	June 27.	Aug. 21.	Nov. 12.
49	Kilkenny.	Thomastown.	Parochial School.	Aug. 12.	April 24.	May 1.	Aug. 15.	Oct. 20.
50	Armagh.	Armagh.	The DeLincourt, Mill, and Callan-street Schools, and "Primate Robinson's Loan Fund."	Aug. 12.	April 24.	May 1.	Aug. 15.	Oct. 20.
51	Down.	Holmwood.	The Sillars School.	Aug. 12.	April 24.	May 1.	Aug. 15.	Oct. 20.
52	Cork.	Cork.	The Rochelle Seminary.	Aug. 12.	April 24.	May 1.	July 25.	Oct. 12.
53	Waterford.	Waterford.	Stephen-street School.	Mar. 25. 1892.	June 22.	July 4.	Oct. 22.	Dec. 21.
54	Limerick.	Limerick.	Rushborough Road School (Consent Scheme).	Mar. 25.	—	—	—	—
55		Diocese of Meath.	The Parochial Schools of the Diocese of Meath; and the Francis School, Drogheda (Consent Scheme).	Mar. 25.	Jan. 11.	Jan. 18.	May 20.	Aug. 2.
56	Meath.	Oldcourt.	The Gilson School.	Mar. 25.	Dec. 2.	Dec. 12.	Forfeited, May 18.	—
"	"	"	The Gilson Schools (Amended Scheme).	—	Aug. 12.	Aug. 12.	Nov. 27. 1892.	May 4. 1892.
57	Kildare.	Clonsilla.	Hewson's School (Consent Scheme).	Mar. 25.	Aug. 12.	Aug. 14.	Dec. 21.	Mar. 12.
58			The Presbyterian Orphan Society of Ireland (Consent Scheme).	Mar. 25.	June 2.	June 4.	Aug. 12.	Oct. 20.
59	Tipperary.	Castell.	Castell Corporation School Bandonvinnia.	April 22.	Jan. 11.	Jan. 19.	May 12.	Aug. 2.
60	"	"	Castell Deanery Schools.	April 22.	Jan. 11.	Jan. 19.	May 12.	Aug. 2.
61	Antrim.	Larne.	Larne Grammar School (Consent Scheme).	April 22.	—	—	—	—
62	Cork.		The Munster Dairy School and Agricultural Institute.	April 22.	—	—	—	—
63	Down.	Ballymacrannagh.	The Lady School Endowment.	May 21.	Aug. 17. 1892.	Aug. 22. 1892.	Nov. 12.	—
64		Parish of Dublin.	The Endowments of and belonging to Congregations under the care of the Parishes of Dublin.	May 21.	Dec. 22.	Dec. 24.	Mar. 10.	June 2.
65	Cork.	Cork.	St. Stephen's Hospital (Consent Scheme).	May 21.	Dec. 22.	Dec. 24.	Mar. 10.	June 2.
66		Diocese of Cork, Cloyne, and Ross.	The Parochial Schools of the Diocese of Cork, Cloyne, and Ross; and Bishop Crowe's School, Cloyne (Consent Scheme).	May 21.	Jan. 2.	Jan. 19.	May 22.	Aug. 2.
67	Cork.	Kinsale.	The Southwell School Endowment.	May 21.	Dec. 12.	Dec. 24.	Mar. 10.	June 2.
68	Westmeath.	Rockfort Bridge.	The Biald Charity (Consent Scheme).	June 22.	Nov. 22.	Dec. 12.	Mar. 2.	May 10.

* Laid on the Table of both Houses of Parliament, July 24, 1892. Scheme is part disapproved by Resolution of the House of Commons, dated Dec. 4, 1892.

† Laid on the Table of both Houses of Parliament, January 25, 1893.

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed—continued.

Number of Schemes.	Endowment.			Draft Scheme first published.	Scheme signed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme provisionally approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
66	Dowrymore.	Elphin.	Bishop Hoban's Grammar School.	1888. June 25.	1889. Dec. 4.	1890. Dec. 15.	1890. Mar. 1.	1890. May 12.
70			The Orphan Society of the Association of Irish Non-Subscribing Presbyterians and other Free Christians (Consent Scheme).	June 25.	Dec. 4.	Dec. 15.	Mar. 1.	May 12.
71	Tyrone.	Strabane.	The Strabane Academy.	June 25.	—	—	—	—
72			The Sabbath School Society for Ireland in connexion with the Presbyterian Church (Consent Scheme).	June 25.	Dec. 4.	Dec. 15.	Mar. 1.	May 12.
73		Dioecse of Ferns.	The Parochial Schools of the Dioecse of Ferns (Consent Scheme).	Aug. 10.	1890. Jan. 14.	1890. Jan. 14.	May 10.	Aug. 2.
74	Down.	Downpatrick.	The Southwell Charity and the Parochial Schools (Consent Scheme).	Aug. 10.	1890. Dec. 21.	1890. Dec. 24.	May 10.	Aug. 2.
75		Presbytery of Ballybay.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballybay (Consent Scheme).	Aug. 10.	Dec. 21.	Dec. 24.	May 10.	June 2.
76		Dioecse of Limerick.	The Parochial Schools of the Dioecse of Limerick (Consent Scheme).	Aug. 10.	1890. —	1891. —	1891. —	1891. —
77		Dioecse of Leighlin.	The Parochial Schools of the Dioecse of Leighlin (Consent Scheme).	Aug. 10.	Aug. 17.	Aug. 25.	—	—
78		Presbytery of Banbridge.	The Endowments of and belonging to Congregations under the care of the Presbytery of Banbridge (Consent Scheme).	Aug. 10.	1890. Dec. 21.	1890. Dec. 24.	1890. Mar. 10.	1890. June 2.
79	Down.	The Ards.	Joseph Brown's Endowment.	Aug. 10.	Dec. 21.	Dec. 24.	May 10.	Aug. 2.
80	Down.	Amshill.	The Amshill Endowed School.	1890. April 20.	1890. Sept. 20.	1890. Oct. 7.	Dec. 17.	1890. Mar. 6.
81	Down.	Ballyhenry.	D'Israeli's School.	April 20.	Sept. 20.	Oct. 7.	Dec. 17.	Mar. 6.
82	Down.	Donaghadee.	The Donaghadee Free School.	April 20.	1891. Aug. 17.	1891. Aug. 25.	1891. —	—
83		Presbytery of Ballymena.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena (Consent Scheme).	April 20.	Nov. 22.	Nov. 26.	Mar. 9.	May 25.
84		Presbytery of Newry.	The Endowments of and belonging to Congregations under the care of the Presbytery of Newry (Consent Scheme).	April 20.	Nov. 22.	Nov. 26.	Feb. 17.	May 6.
85	Wicklow.	Carystock.	The Carystock Royal School Endowment.	April 20.	1891. Aug. 25.	1891. Sept. 2.	—	—
86	Wexford.	—	Arthur Smith's Charity (Consent Scheme).	April 20.	1890. Nov. 23.	1890. Nov. 26.	Feb. 17.	May 6.
87	Kildare.	Ballyvaughan.	Parochial School (Consent Scheme).	April 20.	Sept. 20.	Oct. 7.	Dec. 17.	Mar. 6.
88		Dioecse of Armagh.	The Parochial Schools of the Dioecse of Armagh (Consent Scheme).	April 20.	1891. Aug. 17.	1891. Aug. 25.	1891. —	1891. —
89		Dioecse of Down, Connor, and Downpatrick.	The Parochial Schools of the Dioecse of Down, Connor, and Downpatrick (Consent Scheme).	Aug. 4.	—	—	—	—
90		—	The Downpatrick and Donaghadee Royal School Endowments.	Aug. 4.	—	—	—	—
91	Longford.	—	The Ards Hall Endowment.	Aug. 4.	Aug. 21.	Sept. 2.	Nov. 10.	—
92	Antrim.	Belfast.	The Belfast Library and Society for promoting Knowledge.	Aug. 4.	1890. Dec. 2.	1890. Dec. 10.	Feb. 17.	1891. May 6.
93		Dioecse of Ardagh.	The Parochial Schools of the Dioecse of Ardagh (Consent Scheme).	Aug. 4.	1891. Aug. 21.	1891. Sept. 2.	—	1891. —
94	Limerick.	Limerick.	The Limerick Endowment for Technical Education.	Aug. 4.	—	—	—	—
95	"	"	The Lenny Endowment.	Aug. 4.	—	—	—	—
96		Dioecse of Clogher.	The Parochial Schools of the Dioecse of Clogher (Consent Scheme).	Aug. 4.	Aug. 17.	Aug. 25.	Nov. 10.	—
97		Presbytery of Carrickfergus.	The Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus (Consent Scheme).	Aug. 4.	1890. Nov. 22.	1890. Nov. 26.	Feb. 17.	1891. May 6.
98	Antrim.	Belfast.	High Henry Boyd's Endowment (Consent Scheme).	Aug. 4.	1891. —	1891. —	1891. —	1891. —

TABLE I.—DRAFT SCHEMES already published, with the stages through which each Scheme has passed.—continued.

Number of Scheme.	Endowment.			Draft Scheme first published.	Scheme agreed by Judicial Commissioners.	Scheme first published by the Lord Lieutenant in Council.	Scheme provisionally approved by Lord Lieutenant in Council.	Scheme finally approved by Lord Lieutenant in Council.
	County.	Locality.	Name.					
98	Down, . .	Binger, .	Binger Endowed School, ...	1890.	1891.	1891.	1892.	1892.
				Dec. 18.	—	—	—	—
102	Wexford, .	Wexford, .	The Tate School, ...	Dec. 19.	—	—	—	—
103	Armagh, .	Belfast, .	Brown Street Sunday and Daily Schools, Belfast.	Dec. 19.	Aug. 21.	1891. Sept. 9.	1891. Nov. 19.	—
104		Diocese of Derry.	The Parochial Schools of the Diocese of Derry (Consent Scheme).	Dec. 19.	—	—	—	—
106	Astoria, .	The Route Presbytery.	The Endowments of and belonging to Congregations under the care of the Route Presbytery (Consent Scheme).	Dec. 19.	—	—	—	—
104		Diocese of Kilfenestra and Ardsney.	The Parochial Schools of the Diocese of Kilfenestra and Ardsney (Consent Scheme).	Dec. 19.	—	—	—	—
105	Cork, . .	Malleson, .	Malleson Endowed School, ...	1891. Mar. 4.	—	—	—	—
106	Wexford, .	New Ross, .	John Ivory's School, ...	Mar. 4.	—	—	—	—
107		Diocese of Kilfenestra.	The Parochial Schools of the Diocese of Kilfenestra (Consent Scheme).	Mar. 6.	—	—	—	—
108	Down, . .	Killybegs, .	The Killybegs Schools, ...	Mar. 6.	—	—	—	—
109	Cork, . .	Kinsale, .	The Seaview School Endowment, Kinsale (Supplemental Scheme).	Mar. 6.	—	—	—	—
110	Cork, . .	Clandoch, .	The Clonoch Endowments, ...	Mar. 6.	—	—	—	—
111	North, . .	—	The Preston Endowment, for The Peston School, Narn, the Ballycran Endowed School, and King's Hospital, Downpatrick.	Mar. 6.	—	—	—	—
112	Astoria, .	Belfast, .	The Endowments of and belonging to "Trinity-school Presbyterian Church," and the Henry Martin Johnston Charity (Consent Scheme).	April 26.	—	—	—	—
113	Wexford, .	—	The Webb Paul Endowment, ...	April 26.	—	—	—	—
114	Loughfo, .	Newtown- Arden	The Lincolne Endowed School, . . .	April 26.	—	—	—	—
115		Presbytery of Carrington.	The Endowments of and belonging to Congregations under the care of the Presbytery of Carrington (Consent Scheme).	April 26.	—	—	—	—
116		Presbytery of Antrim.	The Endowments of and belonging to Congregations under the care of the Presbytery of Antrim (Consent Scheme).	April 26.	—	—	—	—
117	Leath, . .	—	The Leigh Charity (Consent Scheme), . .	April 26.	—	—	—	—
118	Antrim, .	Belfast, .	The Belfast Natural History and Philosophical Society.	May 16.	—	—	—	—
119		Presbytery of Carrington.	The Endowments of and belonging to Congregations under the care of the Presbytery of Carrington (Consent Scheme).	May 16.	—	—	—	—
120		Presbytery of Tyrone.	The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone (Consent Scheme).	May 16.	—	—	—	—
121	Dublin, .	Dublin, .	The General Ophelia House Endowments, .	May 16.	—	—	—	—
122	Astoria, .	Dunish of Newry.	John Sharp's Endowment, Ballisodare, .	May 16.	—	—	—	—
123	Cork and Limerick.	Charleville, .	The Charleville Endowment, ...	June 20.	—	—	—	—
124	Dublin, .	Dublin, .	The Catholic University School of Medicine (Consent Scheme).	June 20.	—	—	—	—
125	North and Loughfo.	—	The Charlotte Charity, ...	June 20.	—	—	—	—
126		Presbytery of Glasgow.	The Endowments of and belonging to Congregations under the care of the Presbytery of Glasgow (Consent Scheme).	June 20.	—	—	—	—
127		Diocese of Cusery.	The Parochial Schools of the Diocese of Cusery (Consent Scheme).	June 20.	—	—	—	—
128	Galway, .	Hyemore, .	The Banks Endowment, ...	Aug. 10.	—	—	—	—
129	Down, . .	Parishes of Aldough & Ballisodare.	The Hon. Michael Ward's Endowment, .	Aug. 16.	—	—	—	—
130		Diocese of Elphin.	The Parochial Schools of the Diocese of Elphin (Consent Scheme).	Aug. 16.	—	—	—	—

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources.

No. of Scheme.	Endowment.			Valuation of School Premises.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Houses and Lands.	From Trust Funds.		
3	Dublin.	Swords.	Swords Old Borough Schools.	£ s. d. 50 0 0	—	—	—	1,044 7 6
			Swords New Borough Schools.	50 0 0	—	175 15 0	1,077 15 4	
5	"	Dublin.	Church of Ireland Training College.	120 0 0	—	75 10 0	5,500 0 0	5,745 10 0
6	"	"	Monguere School.	55 0 0	756 8 7	6 10 0	—	764 5 7
4	"	Dublin.	Mercer's School (School of Mercy).	—	—	—	—	—
4	"	Dublin.	Methodist Female Orphan School.	28 0 0	—	112 10 0	150 10 0	390 2 0
5	"	Bahary.	Bahary Parochial School.	14 0 0	—	—	—	37 4 7
	"	Coolock.	Coolock Parochial School.	14 4 7	—	2 0 0	—	
6	"	Dublin.	Grounds-very Presbyterians Church Endowment.	80 0 0	320 6 5	114 8 6	30 10 4	485 0 8
7	Antrim.	Belfast.	Roadside-very Schools.	50 0 0	300 0 0	—	240 3 4	390 3 4
8	"	"	Ulster Society for the Education of the Deaf and Dumb and the Blind.	400 0 0	—	1,815 8 1	2,371 10 1	3,446 1 2
9	Dublin.	Dublin.	St. Patrick's Cathedral Charitable School.	10 0 0	—	—	200 0 0	400 0 0
			St. Patrick's Deacons' Schools.	15 0 0	—	—	—	
			Knight's Endowed School.	88 8 8	70 8 8	—	—	
			Neary Nelson Endowment.	—	50 0 0	—	—	
10	"	"	Alexandra College.	286 8 8	150 0 0	—	2,485 14 10	3,438 0 8
			Alexandra School.	—	—	—	2,318 15 7	
11	Antrim.	Belfast.	Garra School.	50 0 0	10 0 0	81 15 0	491 7 7	623 3 7
12	Dublin.	Dublin.	Elthorpe Marine Society.	120 0 0	468 17 11	508 15 8	38 18 8	1,468 3 1
13	Armagh.	Lurgan.	White's Endowed School.	30 8 8	—	381 0 0	850 0 0	880 8 8
14	Dublin.	Clayson.	Wilson's Association for the Education of the Deaf and Dumb.	104 0 0	180 0 0	884 0 0	806 0 0	1,868 0 0
15	Antrim.	Belfast.	Royal Belfast Academical Institution.	200 0 0	811 0 8	180 10 0	770 14 9	431 10 8
16	"	"	Methodist College.	882 0 0	714 10 0	740 5 0	5,405 11 0	7,441 6 11
17	Down.	Lisferd.	Prior School.	41 0 0	—	474 18 10	118 35 2	355 18 0
			Downard School.	17 0 0	10 0 0	68 0 1	8 0 8	
			Blackrock School.	6 10 0	—	15 10 0	6 14 8	
18	Dublin.	Dublin.	Merchant Tailors' School.	70 0 0	728 0 0	18 0 0	—	816 0 0
19	Monaghan.	Monaghan.	Colinghate School.	40 0 0	—	—	258 0 8	328 0 8
20	Londonderry.	Londonderry.	Academical Institution.	107 8 8	—	80 0 0	1,560 0 8	1,687 0 0
21	Antrim.	Lisburn.	Nicholas Endowment.	11 8 8	—	8 0 0	—	17 8 8
22	"	Belfast.	Lodder Industrial School.	170 0 0	70 0 0	78 0 0	498 0 0	861 0 0
23	Londonderry.	Londonderry.	Magre College.	288 0 0	—	1,848 0 0	817 0 0	3,770 0 0
24	"	"	Gwyn's Charitable Institution.	240 0 0	86 18 8	1,471 18 1	—	2,591 1 8
			Young Endowment.	—	—	280 3 0	—	
25	"	"	Cragga School.	55 10 0	—	—	—	55 10 0
26	Dublin.	Dublin.	Dublin Working Boys' Home.	40 0 0	—	—	875 0 0	1,326 4 0
			Harding Endowment.	—	—	418 0 0	—	
27	"	"	Belfast Female Orphan School.	60 0 0	814 8 0	14 0 0	—	778 8 0
28	Antrim.	Belfast.	Belfast Academy.	280 0 0	70 0 0	—	1,800 0 0	2,080 0 0
29	Dublin.	Dublin.	Phibsborough Sunday and Daily Schools.	50 0 0	3 3 1	160 13 0	0 0 0	163 14 1
30	Carry.	Tullyvin.	Tullyvin and Berbera Schools.	18 10 0	—	470 18 7	—	588 3 7
31	Fermanagh.	Elmish.	Moat School.	10 0 0	58 8 8	—	48 8 0	73 6 8
			Carried forward.	4,064 18 7	6,054 18 1	19,340 8 0	37,438 14 1	46,508 17 8

* Exclusive of School Fees which do not come into the hands of the Governing Body, but are paid directly to the Masters.

† Exclusive of M'Arthur Endowment of £25,000 for Belderson Hall.

‡ Exclusive of reversionary Endowment not yet fallen into possession.

§ £408 a year will be available when a life aged 66 drops, and a further sum of £10 a year when a life aged 70 drops.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment.			Valuation of School Premises.	Annual Income of Endowment.		Totally Income from Fees, Subscriptions and other Sources.	Total amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Houses and Lands.	From Trust Funds.		
			Brought-forward,	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
			St. Peter's Schools,	4,034 19 7	4,034 19 7	12,500 0 0	27,869 14 1	48,369 19 0
			Mrs. Wray's School,	—	—	180 0 0	218 0 0	602 19 0
22	Dublin,	Dublin,	Laurel Hill School,	5 0 0	90 0 0	—	—	95 0 0
23	Londonderry,	Coleraine,	Royal School,	108 0 0	1,174 1 0	80 10 0	—	1,362 11 0
	Armagh,	Armagh,	Royal School,	171 0 0	1,325 4 1	7 0 0	—	2,503 4 1
24	Fermanagh,	Enniskillen,	Royal School,	693 0 0	3,679 12 5	67 4 0	—	4,380 12 5
	Cavan,	Cavan,	Royal School,	68 10 0	643 11 0	160 10 0	—	1,272 11 0
	Downgl.,	Enghine,	Royal School,	70 0 0	776 10 0	—	—	846 10 0
26	Downgl.,	—	The Robertson Endowment,	70 0 0	—	470 0 0	—	540 0 0
27	Armagh,	Lurgan,	Queen-street National School,	40 0 0	—	—	60 0 0	100 0 0
28	Cork,	Cork,	High School for Girls,	60 0 0	—	—	1,120 0 0	1,180 0 0
29	"	Baltimore,	The Baltimore Fishery School,	40 0 0	—	—	1,367 0 0	1,407 0 0
30	Dublin,	Dublin,	The Royal Irish Academy of Music,	100 0 0	90 0 0	260 7 11	3,376 10 0	3,726 7 11
			The Custom Endowment,	—	—	470 10 0	—	470 10 0
31	Londonderry,	Londonderry,	Londonderry Acad. Institution,	181 0 0	—	—	15,314 0 0	15,495 0 0
32		White of Ireland,	The Church of Ireland Victoria Jubilee Fund,	—	—	289 17 0	—	289 17 0
33	Limerick,	Limerick,	Villiers' Charitable Institution,	171 0 0	602 10 1	771 0 0	—	1,544 10 1
34	Antrim,	Ballymena,	Guy's Free School,	60 0 0	—	84 0 0	—	144 0 0
35	"	"	The Ballymena Academy,	60 0 0	—	—	20 0 0	80 0 0
36	Tipperary,	Cloonal,	Cloonal Endowed School,	40 0 0	409 17 0	—	—	449 17 0
37	Kilkenny,	Kilkenny,	Kilkenny College,	40 0 0	129 4 7	—	—	169 4 7
			St. Paul's Parochial Schools,	60 0 0	8 4 7	—	—	68 4 7
			St. Luke's Parochial School,	6 0 0	—	—	165 0 0	171 0 0
			St. Mary's Brandon Parochial School,	40 0 0	—	81 0 0	11 0 0	131 0 0
			St. Nicholas' Parochial and Industrial Schools,	60 0 0	—	371 11 0	1,005 10 10	1,436 11 10
38	Cork,	Cork,	St. Peter's Parochial Schools,	27 10 0	80 10 0	269 10 7	—	376 10 7
			Christ Church Parochial Schools,	10 0 0	12 0 0	8 0 0	67 10 0	87 10 0
			Green Coat Hospital,	700 0 0	120 0 0	4 12 0	—	824 12 0
			Grammar School,	80 0 0	—	—	900 0 0	980 0 0
			Brettridge's Charity,	226 10 0	168 0 0	77 10 0	—	471 10 0
39	Londonderry,	Maghera,	Rahmy's School,	730 0 0	121 10 0	—	30 0 0	881 10 0
40	Kilkenny,	Thomastown,	Parochial School,	4 10 0	—	0 4 0	20 0 0	24 4 0
			The Drunkenness School,	30 0 0	211 10 4	—	—	241 10 4
			The Mill School,	20 0 0	90 7 0	—	10 0 0	120 7 0
			The O'Connell-street School,	0 0 0	—	—	—	—
			Private Robinson's Loan Fund,	—	—	12 7 8	—	12 7 8
41	Down,	Hollywood,	The Sullivan Schools,	60 0 0	—	443 8 5	800 0 0	1,303 8 5
42	Cork,	Cork,	The Rockells Seminary,	100 0 0	—	26 10 0	1,360 4 2	1,486 10 2
			Carried forward,	4,034 19 7	10,075 10 0	12,000 0 0	20,405 0 10	36,514 19 7

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† The fees are paid directly to the masters, with the exception of the fees for Modern Languages, which are received by the Secretary, who pays £10 a year to the Modern Languages Master.

‡ See Mr. King, the present master, holds his academy as Diocesan Schoolmaster under Irish Church Act, 1848.

§ Estimated, the school house not appearing in valuation books.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment.			Valuation of School Premises.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From House and Lands.	From Trust Funds.		
			Brought forward.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
38	Waterford.	Waterford.	Stephen-street School.	51 0 0	—	—	—	51 0 0
39	Limerick.	Limerick.	Beckborough-road School.	—	—	—	600 0 0	600 0 0
40		Diocese of Meath.	The Parochial Schools of the Diocese of Meath.	229 0 0	84 14 8	220 38 0	21,000 0 0	2,315 0 0
			The Freeton School, Mayo.	203 0 0	408 18 7	111 0 0	—	
41	Meath.	Oldcastle.	The Glifan School.	70 0 0	—	708 4 8	608 17 0	1,428 1 0
42	Kildare.	Clonsilla.	Hewson's School.	175 0 0	254 10 0	14 0 4	50 0 0	484 3 10
43			The Presbyterian Orphan Society of Ireland.	80 0 0	80 0 0	1,000 0 0	11,200 3 0	10,748 8 0
44	Tipperary.	Cushinduff.	Cushinduff Corporation School Endowment.	84 0 0	180 0 0	—	—	264 0 0
45	"	"	Cushinduff Deanery School.	30 0 0	37 8 8	30 12 10	0 0 0	67 12 8
46	Armagh.	Larne.	Larne Grammar School.	25 10 0	—	80 10 8	84 0 0	206 0 0
47	Cork.	—	The Haverhill Dairy School and Agricultural Institute.	414 15 0	—	65 3 4	1600 8 1	919 7 8
48	Douglas.	Ballymacarrett.	The Ledley School Endowment.	—	—	27 7 10	—	27 7 10
49		Presbytery of Dublin.	The Endowments of and belonging to Congregations under the care of the Presbytery of Dublin.	60 0 0	—	—	70 0 0	130 0 0
50	Cork.	Cork.	St. Stephen's Hospital.	40 0 0	422 11 10	22 0 0	—	464 11 10
51		Diocese of Cork, Cloyne, and Ross.	The Parochial Schools of the Diocese of Cork, Cloyne, and Ross.	1070 0 0	40 0 0	118 7 10	13,000 0 0	1,637 0 0
			Bishop Crooke's School, Cloyne.	10 0 0	120 0 10	14 0 0	75 0 0	
52	Cork.	Kinsale.	The Southwell School Endowment.	3 10 0	32 0 0	—	—	34 10 0
53	Westmeath.	Reelford Bridge.	The Mill Charity.	8 10 0	40 0 0	—	220 0 0	228 0 0
54	Wexford.	Hythe.	Bishop Hodges's Grammar School.	8 0 0	203 0 0	—	65 0 0	276 0 0
55			The Orphan Society of the Association of Irish Non-Orthodox Presbyterians and other Free Christians.	—	—	30 10 0	204 8 10	602 18 10
56	Tyrone.	Strabane.	The Strabane Academy.	30 0 0	—	—	—	30 0 0
57			The Sabbath School Society for Ireland in connection with the Presbyterian Church.	—	—	61 17 4	886 10 8	667 18 10
58		Diocese of Fermanagh.	The Parochial Schools of the Diocese of Fermanagh.	1270 0 0	20 0 0	88 12 0	1,364 8 8	1,482 18 0
59	Derry.	Downpatrick.	The Southwell Charity.	120 0 0	11 0 0	213 10 0	—	459 10 0
			The Parochial Schools.	38 0 0	—	—	750 0 0	
60		Presbytery of Ballybay.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballybay.	100 0 0	—	—	1,450 0 0	480 0 0
61		Diocese of Limerick.	The Parochial Schools of the Diocese of Limerick.	340 0 0	60 0 0	212 1 3	480 0 0	487 1 3
62		Diocese of Loughlin.	The Parochial Schools of the Diocese of Loughlin.	1200 0 0	2 0 0	6 10 8	621 10 0	422 10 8
			Carried forward.	8,726 19 7	38,694 10 8	17,853 14 0	80,904 14 4	100,781 8 1

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the master.

† This does not include farm produce.

‡ Estimated.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment.			Valuation of School Premises.	Annual Income of Endowment.		Yearly Income from Fees, Subscriptions and other Sources.	Total Amount of the Property to be administered in each year under Scheme.
	County.	Locality.	Name.		From Houses and Land.	From Trust Funds.		
			Brought forward,	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
78		Presbytery of Buckridge.	The Endowments of and belonging to Congregations under the care of the Presbytery of Buckridge.	5,125 15 7	5,084 18 8	17,328 14 0	34,594 14 8	101,551 8 1
79	Down.	The Ards.	Joseph Brown's Endowment.	—	77 10 6	187 18 0	—	264 8 6
80	"	Ards.	The Ards Endowed School.	13 10 0	—	87 18 0	—	100 8 0
81	Carlow.	Rathfrilly.	St. David's School.	82 0 0	—	68 15 10	—	150 15 10
82	Down.	Donaghadee.	Mount Alexander School.	18 0 0	—	18 0 0	69 11 8	105 11 8
			Admiral Louisa Free School.	112 0 0	—	81 0 0	48 8 0	241 8 0
83		Presbytery of Ballymena.	The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena.	552 0 0	—	—	562 8 0	954 8 0
84		Presbytery of Newry.	The Endowments of and belonging to Congregations under the care of the Presbytery of Newry.	18 18 0	—	—	108 8 0	126 9 8
85	Wicklow.	Carrigrohane.	The Carrigrohane Royal School Endowment.	18 0 0	144 8 8	31 14 11	—	183 12 7
86	Westmeath.	—	Arthur Rodin's Charity.	—	108 0 0	—	—	108 0 0
87	Kildare.	Ballyhenry.	Parochial School.	1 15 0	—	6 6 6	—	8 1 6
88		Dioecese of Armagh.	The Parochial Schools of the Dioecese of Armagh.	5500 0 0	—	—	—	5500 0 0
89		Dioecese of Down, Connor, and Downpatrick.	The Parochial Schools of the Dioecese of Down, Connor, and Downpatrick.	—	—	—	—	—
90		—	The Diocesan Schools Endowments.	80 0 0	—	86 18 8	—	166 18 8
	King's.	Donaghue.	Donaghue Royal School Endowment.	—	1040 8 0	18 6 0	—	1058 4 0
91	Fermanagh.	—	The Anne Hall Endowments.	8 10 0	—	120 7 8	—	128 7 8
92	Armagh.	—	The Belfast Library and Society for promoting Knowledge.	—	—	—	724 8 8	724 8 8
93		Dioecese of Ardagh.	The Parochial Schools of the Dioecese of Ardagh.	21 18 0	8 0 0	—	278 18 8	299 18 8
94	Limerick.	Limerick.	The Limerick Endowment for Technical Education.	12 8 8	—	369 9 0	—	381 7 8
95	"	"	The Leamy Endowment.	100 0 0	—	809 7 8	145 8 8	954 7 6
96		Dioecese of Clogher.	The Parochial Schools of the Dioecese of Clogher.	7100 8 8	30 8 0	16 15 7	—	7147 2 5
97		Presbytery of Carrickfergus.	The Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus.	62 15 8	—	—	631 4 8	693 14 8
98	Antrim.	Belfast.	King's Henry Boyd's Endowment.	—	884 7 8	125 8 8	—	1010 6 6
99	Down.	Bangor.	Bangor Endowed School.	24 0 0	—	58 25 0	—	82 25 0
100	Wexford.	Wexford.	The Veto School.	81 0 0	—	318 8 0	30 8 8	348 8 8
101	Antrim.	Belfast.	Brown Street Sunday and Daily Schools, Belfast.	75 4 0	18 0 0	—	188 0 0	263 4 0
102		Dioecese of Derry.	The Parochial Schools of the Dioecese of Derry.	—	—	—	—	—
			Carried forward,	8,612 15 7	15,462 8 8	18,071 8 0	33,261 17 8	156,218 25 0

* The School Fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† Estimated.

‡ Schedules not yet complete.

§ Subject to Treasury Debt of 2254 18s. 11d.

|| Estimated value of Niagara Female National School.

TABLE II.—ENDOWMENTS of the several Institutions for which Draft Schemes have been published, with the estimated Income of these Institutions from fees, subscriptions, and other sources—continued.

No. of Scheme.	Endowment.			Valuation of original Endowment.		Annual Income of Endowment.		Yearly Income from Fees, Subscriptions, and other sources.		First Amount of the Property to be substituted in each year since Scheme.	
	County.	Locality.	Name.	£	s	£	s	£	s	£	s
			Brought forward. . .	2,002	10 1	26,495	4 9	19,925	9 9	26,211	17 8
100		The Monte Presbytery.	The Endowments of and belonging to Congregations under the care of the Monte Presbytery.	—	—	—	—	—	—	—	—
104		Diocese of Elphin and Achary.	The Parochial Schools of the Diocese of Elphin and Achary.	—	—	—	—	—	—	—	—
105	Cork.	Midleton.	Midleton Endowed School.	60	0 0	127	3 4	20	12 3	—	379 3 1
106	Wexford.	New Ross.	John Ivory's School.	10	7 3	23	0 8	—	—	—	52 7 3
107	Down.	Killybeg.	The Killybeg School.	115	0 0	14	10 8	—	—	—	24 10 0
108		Diocese of Elphin.	The Parochial Schools of the Diocese of Elphin.	—	—	—	—	—	—	—	—
109	Cork.	Kinsale.	The Southwell School Endowment, Kinsale (displacement School).	—	—	—	—	—	—	—	—
110	Cork.	Chadfield.	The Crofton Endowment.	3	0 3	43	0 0	—	—	—	43 0 0
111	Queen's.	—	The Protest Endowment for Ballinacree.	28	3 2	281	12 0	97	18 0	—	209 0 7
112	Astoria.	Belfast.	The Endowments of and belonging to the Sacred Heart (Free) Irish Church.	221	0 0	53	0 0	—	210 0 0	—	512 0 0
			The Henry Martyn Johnson Church.	—	—	—	—	432	11 0	—	—
113	Wexford.	—	The Irish Post Endowment.	7	10 0	—	—	40	12 0	—	40 12 0
114	Lengford.	Seaham-Sikes.	The Lincath Endowed School.	90	0 0	65	7 0	40	0 0	—	131 7 0
115		Parish of Congowal.	The Endowments of and belonging to Congregations under the care of the Parish of Congowal.	48	10 8	22	0 0	—	180	0 0	379 10 0
116		Parish of Ards.	The Endowments of and belonging to Congregations under the care of the Parish of Ards.	—	—	—	—	—	—	—	—
117	Scath.	—	The Leigh Clergy.	—	—	62	1 0	—	—	—	62 1 0
118	Astoria.	Belfast.	The Belfast Natural History and Philosophical Society.	120	0 0	40	17 0	10	10 1	212	20 0
119		Parish of Cavan.	The Endowments of and belonging to Congregations under the care of the Parish of Cavan.	—	—	—	—	—	—	—	—
120		Parish of Tyrone.	The Endowments of and belonging to Congregations under the care of the Parish of Tyrone.	60	0 0	—	—	—	600	1	660 10 1
121	Belk.	Dublin.	The General Orphan House Endowment.	—	—	27	0 0	20	10 0	—	17 10 0
122	Astoria.	Parish of Kinsale.	John Sharp's Endowment, Kinsale.	—	—	—	—	2	03 0	—	7 03 0
123	Cork and Limerick.	Charleville.	The Charleville Endowment.	—	—	20	12 3	—	—	—	20 12 3
124	Belk.	Dublin.	The Catholic University School of Medicine.	28	0 0	—	—	124	0 0	—	152 0 0
125	Merth and Lengford.	—	The Charlton Charity.	—	—	600	0 0	240	0 0	—	640 0 0
126		Parish of Clough.	The Endowments of and belonging to Congregations under the care of the Parish of Clough.	11	0 0	102	0 0	11	11 0	24	15 0
127		Diocese of Ossery.	The Parochial Schools of the Diocese of Ossery.	—	—	—	—	—	—	—	—
128	Galway.	Eyrewood.	The Eyrewood Endowment.	4	10 0	—	—	10	0 0	—	10 0 0
129	Down.	Parishes of Killybeg and Rathfriland.	The Hon. Michael Ward's Endowment.	—	—	20	0 0	24	12 0	—	10 1 0
130		Diocese of Elphin.	The Parochial Schools of the Diocese of Elphin.	—	—	—	—	—	—	—	—
			Total.	10,500	0 0	10,510	0 0	20,104	10 0	24,755	0 0
										118,100	0 1

* The school fees do not come into the hands of the Governing Body, but are paid directly to the masters.

† Estimated.

‡ Valuations not yet completed.

§ Parishes of Killybeg and Rathfriland.

TABLE III.—List of Persons and Public Bodies from whom Objections and Amendments to Draft Schemes have been received by the Commission during the past year.

N.B.—The more important Objections and Amendments are printed in Appendix G, pp. 254–280.

Draft Scheme No. 99. Bangor Endowed School.

Appendix G,
p. 264.

1. The Commissioners of Charitable Donations and Bequests.
2. The Hon. Somerset Ward, &c.
3. The Presbytery of Ards.

Draft Scheme No. 100. The Tate School, Wexford.

Appendix G,
p. 264.

1. The Commissioners of Charitable Donations and Bequests.
2. The Corporation of the Town of Wexford.
3. R. H. Cooper, Wexford.

Draft Scheme No. 101. The Brown Street Sunday and Daily Schools, Belfast.

1. Rev. William Johnston, D.D., Belfast.

Draft Scheme No. 102. The Parochial Schools of the Diocese of Derry.

Objections to Scheme.

None.

Objections and Amendments to Schedules.

1. Rev. Frederick J. Clarke, M.A., Dromanagh.
2. Rev. Arthur E. Waring, M.A., Clady, Derry.
3. Rev. Thomas O'Heart, M.A., Canon, Urney, Tyrone.
4. Rev. J. H. Gatchell, M.A., Castleberg.
5. Rev. Robert Barrington, M.A., Strahane.

Draft Scheme No. 105. Middleton Endowed School.

Appendix G,
p. 264.

1. The Commissioners of Education in Ireland.
2. The Commissioners of Intermediate Education.
3. The existing Trustees of the Endowment.
4. The Right Rev. Robert S. Gregg, D.D., Bishop of Cork.
5. Rev. George Salmon, D.D., Provost of Trinity College, Dublin, one of the proposed Governors.
6. The Standing Committee of the General Synod of the Church of Ireland.

Draft Scheme No. 106. John Ivory's School, New Ross.

Appendix G,
p. 264.

1. The existing Trustees of the Endowment.
2. Colonel C. G. Tottenham, M.L., one of the Trustees.

Draft Scheme No. 107. The Killinchy Schools.

Appendix G,
p. 264.

1. Rev. Joseph G. Barton, M.A., Incumbent of Killinchy.
2. Rev. L. Paul T. Leloux, M.A., late Incumbent of Killinchy.
3. The Presbyterian Members of the School Committee.
4. The Standing Committee of the General Synod of the Church of Ireland.

Draft Scheme No. 109. The Southwell School Endowment, Kinsale (Supplemental Scheme).

1. Rev. John Canon Cotter, F.R., Kinsale.

Draft Scheme No. 110. The Crofton Endowments, Clondrohid.

Appendix G,
p. 264.

1. The Right Rev. Robert S. Gregg, D.D., Bishop of Cork.
2. The Select Vestry of the Parish and Union of Macroom.
3. The Standing Committee of the General Synod of the Church of Ireland.
4. H. G. Crofton, Inchinappa House, Ashford, County Wicklow.
5. Rev. Michael Ahern, F.R., Clondrohid.

Appendix G,
p. 265.

Draft Scheme No. 111. The Preston Endowment.

1. The Commissioners of Education.
2. Certain Inhabitants of Abbeyfeix.
3. The Protestant Inhabitants of the Town of Maryborough.
4. The Residents of Ballyman and its neighbourhood.
5. The Standing Committee of the General Synod of the Church of Ireland.
6. The Diocesan Council of Leighlin.
7. The Registered Vestrymen of Abbeyfeix.
8. The Parishioners of Strathilly.
9. The Select Vestry of Abbeyfeix.
10. The Select Vestry of Mountrook.
11. The Select Vestry of Cullinstown.
12. The Select Vestry of Monastellish.
13. The Select Vestry of Tinnahoe and Ternagee.

Draft Scheme No. 112. The Endowments of and belonging to the Townsend Street Church and the Henry Martyn Johnston Charity.

1. Robert T. Martin, Solicitor for Rev. William Johnston, D.D., Belfast.

Draft Scheme No. 113. The Urith Paul Endowment.

1. The existing Trustees of the Endowment and the owner of the Down Droake Estate.
2. The Diocesan Synod of Ferns.
3. The Diocesan Council of Ferns.
4. The Ferns Diocesan Board of Education.
5. Rev. Percival S. Weldon, Incumbent of Whitechurch.

Draft Scheme No. 114. Lisnakee Endowed School.

1. The existing Trustees of the School.

Draft Scheme No. 117. The Leigh Charity.

1. B. R. Balfour, Esq., Townley Hall, Drogheda.
2. The Diocesan Council of Armagh.
3. The Standing Committee of the General Synod of the Church of Ireland.

Draft Scheme No. 118. The Belfast Natural History and Philosophical Society.

1. The existing Governing Body of the Endowments.

Draft Scheme No. 121. The General Orphan Home Endowments.

1. The Protestant Orphan Refuge Society.
2. The Protestant Orphan Society.
3. The Presbyterian Orphan Society.
4. Rev. Robert Walsh, D.D.
5. Rev. S. G. Cotton, M.A., Church Gate, NASS.

Draft Scheme No. 122. John Sharp's Endowment, Ballycastle.

1. The Select Vestry of the Parish of Ramson.
2. The Presbyterians of the Parish of Ramson.

Draft Scheme No. 125. The Charlton Charity.

1. The Most Rev. Charles P. Beichel, D.D., Protestant Bishop of Meath.
2. The Most Rev. Thomas Nulty, M.A., Roman Catholic Bishop of Meath.
3. The Most Rev. Bartholomew Woodcock, D.D., Roman Catholic Bishop of Ardagh.
4. The Meath and Longford Protestant Committees, jointly.
5. The Longford Protestant Committee.
6. The Navan Board of Guardians.
7. The Dunsinklin Board of Guardians.

The Protestants of the following Parishes:—

8. The Parish of Carletonwood.
9. The Parish of Kells.
10. The Parish of Rathcoone.
11. The Parish of Rathmolyen.
12. St. George R. Johnston, J.P., one of the proposed members of the Longford Protestant Committee.
13. P. M. Laffan, B.C.S.I., L.R.Q.S.I.

Draft Scheme No. 126. The Endowments of and belonging to Congregations under the care of the Presbytery of Clagher.

1. The Presbytery of Clagher.

TABLE IV.—Endowments with respect to which inquiries have been held, and the preparation of Schemes is under consideration.

In some of the cases on the following list Draft Schemes are in preparation; in others the expediency of publishing Schemes or the question of exemption is under consideration, or further inquiries are in progress.

A. (1). The Endowments under the management of the Incorporated Society for promoting English Protestant Schools in Ireland.

(2). The Endowments of the Schools founded by Erasmus Smith.

B. Endowments classified according to Provinces and Counties, as follows:—

Province of Leinster—

City of Dublin—

Gardiner's Charity.
Love's Charity.
Infant School, Trinity Place.
Queen's Institute.
The Ralph Macklin School.
Schools formerly in connection with the Unitarian Congregation, Strand Street.
School formerly known as "Emery Street School."
Lowton Apprenticeship Fund.

County of Dublin—

Rathmines Township Schools.
The Drumcoul Institution, Chapel Road.

County of Kildare—

Kilmeaghs National School (Perceval Endowment).

County of Kilkenny—

Subscription School, Kilkenny.

County of Longford—

Countess's School (West Endowment).

County of Louth—

Blue School, Drogheda.
Endowed School, Ardee.
Endowed School, Dundalk.
Grammar School, Dundalk (Erasmus Smith's).

Queen's County—

Portarlington Free School.

County of Wexford—

Ballymore Schools, New Ross (Bolger Endowment).
Duncormack School (Richards Endowment).
Erasmus Smith's School, Wexford.
Hill School, New Ross (Tottenham Endowment).
Whitelaw's Parochial School (Glascoth Endowment).

County of Wicklow—

Crofton Endowed School, Ashford.
Erasmus Smith's School, Kiltegan.
Stratford Lodge Schools, Baltinglass.
Diocesan School, Wicklow.
Free School, Wicklow.
Terence O'Connell School (Waldron Endowment).

Province of Munster—

City of Cork—

Cork School of Science, Art and Music.

County of Cork—

Aghada National School.
Cove National Endowed Boys School.
Endowed School, Bandon.
Endowed School, Youghal.
Erasmus Smith's School, Bandon.
Ferry College.
Girls Industrial School, Bandon.
Rahan School, Mallow (Cotton Endowment).

County of Tipperary—

Charitable School, Glenmel.

County of Waterford—

Alcock's Apprenticeship Endowment, Waterford.
Endowed School, Lismore.
Blue School, Waterford (Mason Endowment).
Protestant Orphan School, Waterford.
School of Industry, Lady Lane, Waterford.

Province of Ulster—

County of Antrim—

Ballylinton School (Stewart Endowment).
Cushinstown School.
English School, Ballymena (formerly Erasmus Smith's).
Glenasmole School.
Trinity Church Infant School, Belfast.
The Lincum Schools (The White, Conster and Rowley Hall Endowments).

County of Down—

Ballydoon National School, Killinchy.
Ballymacdonnell National School, Bangor.
Ballymullen (Crawfordsburn) National School, Bangor.
Ballysaulagh National School, Bangor.
Curry's National School, Tyrone.
Curry's (Webster) National School.
Clanbrassil Endowment, Bangor.
Mount Stewart Erasmus Smith's School, Grey Abbey.
No. 1 National School, Donaghadee.
Ehrigley National School, Killybegs.
Tubber-na-Carrig National School, Innishangy.
Tullycreevy National School, Grey Abbey.

County of Londonderry—

Cumna School, Carrisroe.
Foyle College, Londonderry.
Irish Society's Schools, Bessy's Place, Coleraine.

County of Monaghan—

Carrickmacross Endowed School.

Province of Connaught—

County of Galway—

Horton School (Parsons Perse's Charity).
The Rockfield Institution (Lyons' Endowment).

County of Mayo—

Newport Parochial School.

Province of Connaught—continued.

County of Roscommon—

Academical Institution, Boyle.
Castlerea School (Lord Mt. Sandford's Bequest).

County of Sligo—

Castlesmumr (Ardally and Bearnmore, and
Kilgus Schools (Valentine Endowment).
Ballinaghy National School, Cairy, Sligo.
Erasmus Smith's School, Sligo.

TABLE V.—Endowments declared exempt from the compulsory jurisdiction of the Commission.

Province of Leinster—

City of Dublin—

Bethesda Female Orphan School, Upper
Dorset Street.
Christian Brothers Schools, Basin Lane.
Girls Almshouses, Great Britain Street.
Female Orphan House, North Circular Road.
Moses's Asylum, Lower Camden Street.
St. Bridget's Catholic Ragged Schools.
St. Catharine's National Schools, Meath Street.
St. James's National School, Harp Lane.
St. Michael's National School, North Anne
Street.
SS. Michael and John's National Schools,
Essex Street.
St. Xavier's Orphanage, Denmark Street.
St. Thomas' Orphanage, Gloucester Street.
Singleton School, in connection with the
Unitarian Church, St. Stephen's Green.
Wesley College, St. Stephen's Green.

County of Dublin—

Parochial Schools, Castleknock.
Parochial School, Finglas.

County of Kilkenny—

Chapel Lane School, Kilkenny.
St. Kieran's College, Kilkenny.

County of Louth—

Christian Brothers Schools, Drogheda.
Christian Brothers Schools, Dundalk.
St. Mary's College, Dundalk.

County of Meath—

St. Flavian's Seminary, Navan.

County of Westmeath—

Belvedere Orphanage, Tyrrellspass.
Westmeath Protestant Orphan Society.
Wilson's Hospital, Multyfarnham.

County of Wexford—

St. Peter's College, Wexford.

Province of Munster—

County of Clare—

Christian Brothers Schools, Ennis.
Kilfinane Diocesan College, Ennis.

City of Cork—

Christian Brothers Schools, Cork.
Presentation Brothers School, Cork.
St. Fin Barr's Seminary, Cork.
St. Vincent's Orphanage, Cork.

County of Cork—

Carmelite Seminary, Kinsale.
Christian Brothers Schools, Charleville.

Province of Munster—continued.

County of Cork—

Christian Brothers Schools, Youghal.
Cravinst National School, Youghal.
St. Columba's College, Fermoy.
St. Joseph's Convent School, Kinsale.

County of Limerick—

Cathedral Grammar School, or Elbow School,
Limerick.
Christian Brothers Schools, Limerick.
Mount St. Vincent School, Limerick.
Sacred Heart College, Limerick.

County of Tipperary—

Christian Brothers Schools, Chameel.
Rockwell College, Coair.

County of Waterford—

Bishop Foy's Endowment, Waterford.
Bishop Foy's Apprenticeship Fund, Waterford.
Christian Brothers Schools, Waterford.
Friends School, Newtown, Waterford.
St. John's College, Waterford.

Province of Ulster—

County of Antrim—

Friends Agricultural School, Brookfield.
Friends Provincial School, Lisburn.
Mucknoor Abbey School.
St. Malachy's College, Belfast.

County of Armagh—

Jackson's Schools, Forkhill.
St. Patrick's College, Armagh.

County of Cavan—

Christian Brothers Schools, Cavan.
St. Patrick's College, Cavan.

County of Fermanagh—

Vaughan Charter School, Tubrid.

County of Londonderry—

St. Columba's College, Londonderry.

County of Monaghan—

St. Maurten's Seminary, Monaghan.

Province of Connaught—

County of Galway—

Christian Brothers Schools, Clarendonbridge.
Lombard Street Schools, Galway.
St. Ignatius College, Galway.
St. Jarlath's College, Tuam.
St. Joseph's Seminary, Nun's Island, Galway.

County of Sligo—

College of the Immaculate Conception, Sligo.

TABLE VI.—Exempt Endowments, with respect to which applications for Consent Schemes have been received.

Note.—In many of these cases, Schemes have already been published.

The Church of Ireland Victoria Jubilee Fund. (Scheme No. 41).

The Presbyterian Orphan Society of Ireland. (Scheme No. 58).

The Orphan Society of the Association of Irish Non-Subscribing Presbyterians and other Free Christians. (Scheme No. 70).

The Sabbath School Society for Ireland in connection with the Presbyterian Church. (Scheme No. 73).

The Parochial Schools of "The Church of Ireland" in the following Dioceses:—

Armagh. (Scheme No. 88).
 Monaghan. (Scheme No. 89).
 Clogher. (Scheme No. 96).
 Derry. (Draft Scheme No. 102).
 Raphoe. (Scheme No. 35).
 Down and Connor and Down. (Draft Scheme No. 82).
 Kilmore. (Draft Scheme No. 103).
 Elphin. (Draft Scheme No. 130).
 Armagh. (Scheme No. 93).
 Tuam.
 Kildare and Ashbury. (Draft Scheme No. 104).
 Droghda, Clonsilla, and Kildare.
 Omeau.
 Ferm. (Scheme No. 75).
 Leighlin. (Scheme No. 77).
 Kilsake, East.
 Clonfert and Kilmacduagh.
 Limerick. (Draft Scheme No. 76).
 Ardara and Aghadee.

The Endowments belonging to the Congregations under the care of the following Presbyteries:—

Aldershall.
 Ards. (Draft Scheme No. 116).
 Armagh.
 Athlone.
 Baillieborough.
 Ballybay. (Scheme No. 76).
 Ballymena. (Scheme No. 83).
 Banbridge. (Scheme No. 78).
 Belfast.
 Carrickfergus. (Scheme No. 97).
 Carran. (Draft Scheme No. 119).
 Clogher. (Draft Scheme No. 126).
 Coleraine.
 Connor.
 Cunnought. (Draft Scheme No. 115).
 Cork.
 Derry.
 Down.
 Downpatrick.
 Dublin. (Scheme No. 64).
 Glendarm.
 Letterkenny.
 Monaghan.
 Newry. (Scheme No. 84).
 Raphoe.
 Rathfriland.
 Rost. (Draft Scheme No. 103).
 Strabane.
 Templepatrick.
 Tyrone. (Draft Scheme No. 130).

Endowments classified according to Provinces and Counties, as follows:—

Province of Leinster—

City of Dublin—

St. Patrick's Cathedral Schools. (Scheme No. 9).
 St. Peter's Schools and Mrs. Wray's School. (Scheme No. 32).
 The Catholic University School of Medicine. (Draft Scheme No. 124).
 The Parochial Schools of the City of Dublin.
 The Ormond Quay Presbyterian Church Endowments. (Scheme No. 5).

County of Kildare—

Ballynax Parochial School. (Scheme No. 67).
 Howerton's School, Clonsilla. (Scheme No. 37).

County of Louth—

The Leigh Charity. (Draft Scheme No. 117).

County of Westmeath—

Arthur Smith's Charity. (Scheme No. 86).
 The Shiel Charity, Rockfort Bridge. (Scheme No. 68).

Province of Munster—

City of Cork—

Brettridge's Charity.
 Greencoat Hospital.
 Cork Grammar School.
 Parochial Schools of the City of Cork.
 St. Stephen's Hospital. (Scheme No. 55).

County of Cork—

Bishop Crowe's School, Clonra. (Scheme No. 66).
 Ballymore Fishery School. (Scheme No. 38).

County of Limerick—

Bomborough Road School, Limerick. (Draft Scheme No. 64).

Province of Ulster—

County of Antrim—

Larne Grammar School. (Draft Scheme No. 61).
 Nicholson Endowment, Lisburn. (Scheme No. 21).

City of Belfast—

Hugh Henry Boyd's Endowment. (Draft Scheme No. 93).
 The Methodist College. (Scheme No. 16).
 The Townsend Street Presbyterian Church Endowments, and the Henry Martin Johnston Charity. (Draft Scheme No. 112).

County of Down—

The Southwell Charity and the Parochial Schools, Downpatrick. (Scheme No. 74).

County of Londonderry—

Magae Presbyterian College, Londonderry. (Scheme No. 23).

TABLE VII.—Public Sitzings of the Commission held during the past year.

- CASTLEREA, CO. ROSCOMMON.—*At the Court House, Saturday, October 11, 1890.*
The Mount Sandford Bequest for Castlereagh School.
- NEWPORT, CO. MAYO.—*At the Court House, Monday, October 13, 1890.*
Newport Parochial School.
- BALLINAKILL, CO. GALWAY.—*At the Rockfield Institution, Tuesday, October 14, 1890.*
The Rockfield Institution. (Lyons' Endowment)
- LOUGHREA, CO. GALWAY.—*At the Court House, Thursday, October 16, 1890.*
The Lyons' Endowment. (Claim of Loughrea.)
Hilton School. (Parsons Pease's Charity.)
- LIMERICK.—*At the Court House, Friday, October 17, 1890.*
Scheme No. 90.—The Limerick Diocesan School.
Scheme No. 94.—Mungret Agricultural College. } (Objections.)
Scheme No. 95.—Leamy's Free School.
- CORK.—*At the Court House, Monday, October 20, 1890.*
Scheme No. 63.—Munster Dairy School and Agricultural Institute. (Objections.)
- WOODENBRIDGE, CO. WICKLOW.—*At the Hotel, Saturday, October 25, 1890.*
Scheme No. 85.—Carysfort Royal School Endowment. (Objections.)
- KILLINCHY, CO. DOWN.—*At the National School, Friday, October 31, 1890.*
Killinchy Schools. (Ward's Endowment.)
Ballydoon National School.
- BALLYCASTLE, CO. ANTRIM.—*At the Court House, Saturday, November 1, 1890.*
John Sharpe's Bequest, Enniscora.
Bannock School.
Moyneget National School.
- DUBLIN.—*At the Office of the Commission, Wednesday, December 3, 1890.*
The Commissioners of Education in Ireland, and the Endowments of the Ulster Royal Schools. (Objection of the Most Rev. Dr. Donnelly, Bishop of Clogher, to Clause 86.)
- BELFAST.—*At the Court House, Thursday, January 8, 1891.*
Scheme No. 48.—Rainey School, Magherafelt. (Scheme in part disapproved by Resolution of House of Commons.)
Scheme No. 82.—The Donaghadee Free Schools. (Objections.)
Scheme No. 88.—The Parochial Schools of the Diocese of Down and Connor and Downmore. (Objections.)
Scheme No. 63.—The Ledley School Endowment, Ballymacarrett. (Objections.)
Scheme No. 96.—Hugh Henry Boyd's Endowment, Belfast. (Objections.)
The Endowments of and belonging to Congregations under the care of the Presbytery of Belfast.
- DUBLIN.—*At the Office of the Commission, Saturday, January 17, 1891.*
The General Orphan Home Endowments.
- DUBLIN.—*At the Office of the Commission, Saturday, February 7, 1891.*
The Charlton Charity.—*Adjourned Inquiry.*
- BALLYROAN, QUEEN'S CO.—*At the Endowed School, Saturday, June 20, 1891.*
Scheme No. 111.—The Preston Endowment, for the Preston School, Naven, the Ballyroan Endowed School, and King's Hospital, Oxmantown. (Objections.)
- BYRECOURT, CO. GALWAY.—*At the Court House, Wednesday, July 1, 1891.*
Byrecourt Endowed School (Banks Endowment).

ABSTRACT OF THE MINUTES OF THE COMMISSIONERS.

PART I.

SUMMARY OF MEETINGS AND ATTENDANCES.

(A.) TABLE showing MEETINGS held during the Year ending September 30, 1891.

MEETINGS HELD BY	Number of Meetings held.	Number of these Meetings which were Public Inquiries.	Number of stated attendances of Full Commission.
The Full Commission, ...	181	15	6
The Judicial Commissioners, ...	42	—	—
The Assistant Commissioners, ...	52	—	—
Total, ...	275	15	6

(B.) TABLE showing the ATTENDANCES of the COMMISSIONERS at the Meetings during the Year ending September 30, 1891.

NAMES OF COMMISSIONERS.	Full Commission.		Judicial Commissioners' Meetings.	Assistant Commissioners' Meetings.	Total.
	Meetings.	Stated Attendances.			
JUDICIAL COMMISSIONERS :					
Lord Justice FitzGibbon, ...	95	*3	42	—	141
Mr. Justice O'Brien, ...	54	—	42	—	106
ASSISTANT COMMISSIONERS :					
Right Rev. Monsignor Molloy, ...	119	6	—	43	168
Dr. Trull, ...	101	—	—	46	147
Professor Dougherty, ...	85	—	—	42	128

*One stated attendance of Judicial Commissioners.

PART II.

MINUTES OF THE FULL COMMISSION.

October 3, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FRANKLIN, Mr. Justice O'BRIEN, Rev. Dr. MOLLAT,

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. W. Moore Morgan, M.D. (Oct. 1 and 2), enclosing "consents" for certain Schools in the Diocese of Armagh.

R. D. Swaine (Oct. 1), enclosing extract from will of Parsons Parson, relating to Illeston School.

Rev. Thomas H. Fleming (Sept. 29), re to inquiry at Rockfield Institution.

Rev. S. Johnston (Oct. 2), as to inquiry into Newport Parochial School.

The Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick (Sept. 30), as to the Catholic Board proposed to administer the Leamy Endowment, Limerick.

The Secretary, Commissioners of Education (Oct. 2), acknowledging receipt of copy of correspondence between the Most Rev. Dr. Donnelly, Lord Bishop of Clogher, and the Commission, with reference to the Scheme for the Ulster Royal School Endowments.

Letters, enclosing objections to the Limerick Draft Schemes, Nos. 80, 84, and 95, were read from:—

James Quin (Oct. 1).

Very Rev. Dean Bunbury, on behalf of the Limerick Diocesan Council (Oct. 2).

The Deacons Court of the Presbyterian Church, Limerick (Sept. 26).

Rev. James F. Gregg, M.A. (Sept. 30 and Oct. 1).

Replies, as drafted, directed to be sent.

Letters also read:—

The Most Hon. the Marquess of Sligo (Oct. 1), stating that his lordship is unable to attend the Public Sitting at Newport.

Messrs. F. and K. Reid, Solicitors (Sept. 25), as to the taxation of costs of Schemes under the Educational Endowments (Ireland) Act.

Replies, as drafted, ordered to be sent.

A letter, as drafted, was directed to be sent to the Most Rev. Dr. Donnelly, Lord Bishop of Clogher, enclosing his lordship a copy of the letter of this Commission, dated September 30, addressed to the Commissioners of Education.

The Assistant Secretary was directed to get all papers from the Public Record Office in relation to the Leamy Endowment, Limerick.

With reference to the Public Sitting at Tralee, it was ordered that, in the case of the inability of the Recorder of Derry, one of the Trustees of the Jeffers Endowment, to attend, the sitting at Tralee be postponed, and that notice of the postponement be transmitted to all persons interested, and published in the usual manner.

The Commissioners adjourned.

WILLIAM O'BRIEN,
October 7, 1890.

N. D. Murphy, Assistant Secretary.

October 7, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Minutes of preceding meeting read and confirmed.

Letters read :—

W. Wilson Mercer, Head Master (Oct. 3),	} Objecting to the Draft Scheme for the Leamy Endowment, Limerick.
Miss Mary Mercer, Head Mistress (Oct. 3),	
Samuel Moore, Assistant Master (Aug. 3),	

Rev. George Tottenham (Oct. 4), as to obtaining consents for the Schools in the Clogher Diocesan Scheme.

E. Thomas O'Donoh (Oct. 3), granting use of Courthouse at Newport.

R. G. Wills Sandford (Oct. 2), as to the use of Courthouse at Castlebar.

The Recorder of Derry (Oct. 3), stating he cannot attend inquiry at Tellico, with reference to the Jeffers Endowment.

Letter (Oct. 3) read from Rev. Patrick Healy, P.P., asking for information as to the Mount Sandford Bequest—Castlebar School.

A reply, as drafted, ordered to be sent.

Questions with regard to the Donaghadee Free Schools Scheme were discussed, and letters, as drafted, were directed to be sent to the Commissioners of Charitable Donations and Bequests; Daniel De Lachereis, D.L.; and Rev. Richard H. Coote, B.A.

The Commissioners adjourned.

GERALD FITZGERSON,
October 10, 1890.

N. D. Murphy, Assistant Secretary.

October 10, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

O. Sheldon, D.Lit. (Oct. 3), as to the Scheme for the Ulster Royal School Endowments.

W. H. Gunning, M.A. (Oct. 7), wants correction made in Schedule to Ulster Royal Schools Scheme.

Rev. Michael Ahern, P.P. (Oct. 9), asking if Commissioners will hold an inquiry into the Crofton Endowment, Clondrohid, at Cork, on the 20th inst.

John McConnell (Oct. 9), asking information as to certain clauses of the Scheme for the Southwell Charity and the Parochial Schools, Downpatrick.

John McConnell (Oct. 9), asking that an "Old Book of Rules" relating to the Southwell Charity be returned.

Rev. Geo. Tottenham (Oct. 4), as to obtaining the necessary consents for Schools in the Clogher Diocesan Scheme.

Reply, as drafted, ordered to be sent.

Certain instructions were given as to the preparation of the Draft Report of the Commissioners for the year ending September 30, 1890.

The Commissioners adjourned.

WILLIAM O'BRIEN.
November 3, 1890.

N. D. Murphy, Assistant Secretary.

October 11, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day, at the Courthouse, Castlereagh.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. Jas. S. Macartney, Shorthand Writer, was in attendance.

THE MOUNT SANDFORD BEQUEST FOR CASTLEREA SCHOOL.

Lord Justice FitzGibbon made an introductory statement.

The following witnesses were sworn and examined :—

G. R. Wills Sandford, J.P.
Rev. B. L. Ford, M.A.
James Vaughan.
Michael Callaghan.
Very Rev. Patrick Hanly, P.P., V.P.
James Egan.

The Commissioners adjourned.

After the public sitting the Commissioners visited Castlereagh Parochial School and
Castlereagh Convent School.

GERALD FITZGIBSON.

October 18, 1890.

N. D. Murphy, Assistant Secretary.

October 13, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day, at the Courthouse, Newport, County Mayo.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Dr. TRAILL,
Professor DOUGHERTY.

Mr. Jas. S. Macartney, Shorthand Writer, was in attendance.

NEWPORT PAROCHIAL SCHOOL.

Lord Justice FitzGibbon made an introductory statement.

The following witnesses were sworn and examined :—

Rev. B. Johnston, Incumbent of Newport.
E. Thomas O'Donel, J.P.
Rev. P. Grealley, P.P.

The Commissioners adjourned.

After the public sitting the Commissioners visited the Newport Parochial School; the
Convent National School, Newport; No. 2 National School; and Newport Presbyterian
School.

GERALD FITZGIBSON.

October 18, 1890.

N. D. Murphy, Assistant Secretary.

October 13, 1890.

Meeting of the Commission held this day, at the Royal Hotel, Leenane.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Dr. TRAILL,
Professor DOUGHERTY.

The following Letters were read :—

Rev. D. R. Moore, as to inquiry at KILLINCHY.
Rev. Thomas Head, S.J., as to a correction in his "objection" to Scheme No. 94.
Rev. E. A. Lyle, as to the Scheme for Joseph Brown's Endowment, County Down.It was arranged that the inquiries at Killinichy and Ballycastle should be held as
already fixed.

The Commissioners adjourned.

GERALD FITZGIBSON.

October 18, 1890.

N. D. Murphy, Assistant Secretary.

October 14, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day at the Rockfield Institution, Ballinakill.

Present :—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Dr. TRAILL,
Professor DOUGHERTY.

Mr. Jas. S. Macartney, Shorthand Writer, was in attendance.

ROCKFIELD INSTITUTION (LYONS ENDOWMENT).

Rev. Thomas H. Fleming, M.A., was examined, having been sworn on a previous occasion.
William Milles was sworn and examined.

Rev. Canon Goodison and the Venerable H. V. Daly, Archdeacon of Clonfert, made statements.

The Commissioners adjourned.

Previous to the inquiry the Commissioners visited the Institution and viewed the lands of Rockfield.

GERALD FITZGERDON,

October 18, 1890.

N. D. Murphy, Assistant Secretary.

October 16, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day, at the Courthouse, Loughrea.

Present :—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Dr. TRAILL,
Professor DOUGHERTY.

Mr. Jas. S. Macartney, Shorthand Writer, was in attendance.

THE LYONS ENDOWMENT (CLAIM OF LOUGHREA).

Venerable H. V. Daly, Archdeacon of Clonfert, was examined.

Venerable James Rush, Archdeacon of Kilmacduagh, was sworn and examined.

PARSONS PERSE'S CHARITY (ILLINGTON).

The following witnesses were sworn and examined :—

Algernon Perse.
Barton W. Perse.
Rev. R. Bradshaw.

Venerable H. V. Daly was examined.

The Commissioners adjourned.

GERALD FITZGERDON.

October 18, 1890.

N. D. Murphy, Assistant Secretary.

October 17, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day, at the Court House, Limerick.

Present :—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Mr. Charles Ryan, Shorthand Writer, was in attendance.

OBJECTIONS AND AMENDMENTS
to the following Draft Schemes :—

- No. 93.—The Diocesan Schools, and Banager Royal School Endowments.
- No. 94.—The Limerick Endowment for Technical Education.
- No. 95.—The Leamy Endowment.

Dunbar Plunkett Barton, q.c. (instructed by Mr. Beauchamp), appeared on behalf of the Limerick Diocesan Council, the Governors of Leamy's School, and the Rev. J. F. Gregg, and also on behalf of the Diocesan Court of the Presbyterian Church of Limerick, the Congregation of Wesley Chapel, George Street, Limerick, the Congregational Church, Limerick, and the Bedford Row Methodist Congregation, Limerick.

P. Shelton Connolly Solicitor, appeared on behalf of the Jesuit Order, and the Corporation of Limerick.

Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick, appeared in person.

Rev. Thomas Browne, F.R., appeared in person.

J. G. Barry, J.P., appeared on behalf of the Trustees of Mungret Agricultural College.

W. Mercer and E. Moore, Masters of Leamy's School, appeared in person as representing the vested interests of the School teachers.

The following also attended:—

Right Rev. Dr. Graves, Lord Bishop of Limerick; Rev. David Wilson, D.D.; Rev. Dr. Molony, F.R.; Rev. J. F. Gregg; Rev. Thomas Head, J.P.; Rev. T. O'Keefe, J.P.; Rev. James Dowd, Diocesan Secretary; Ven. Archdeacon Hamilton; Very Rev. Dean Banbury; Lord Clarina; Jerome Connellan; Dr. O'Shaughnessy; James Quinn; The Mayor of Limerick; Robert Hunt; E. Barrington; J. Dunson, Solicitor.

Lord Justice FitzGibbon made an introductory statement.

The following persons made statements:—

Right Rev. Dr. Graves, Lord Bishop of Limerick.

Dunbar P. Barton, q.c.

Rev. Thomas Head, J.P.

J. G. Barry, J.P.

Rev. Thomas Browne, F.R.

Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick.

Very Rev. Dean Banbury.

Rev. J. F. Gregg.

William Mercer.

Samuel Moore.

Dr. Traill made a statement.

The Commissioners adjourned.

GERALD FITZGIBBON,
October 18, 1890.

N. D. Murphy, Assistant Secretary.

October 18, 1890.

Meeting of the Commission held this day, at the Victoria Hotel, Killarney.

Present:—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meetings and public sittings of May 2, October 11, 12, 14, 16, and 18, were read and confirmed.

Letters read:—

E. Flynn, as to giving evidence in Cork with regard to the Cotter Endowment, Rahon School.

A reply, already sent, was approved.

Rev. S. Outhbert Mitchell, asking for a Scheme for the Presbytery of Clogher.

The usual letter and enclosure ordered to be sent.

The Assistant Secretary brought up the objections, lodged with the Clerk of the Privy Council, to the following Schemes:—

No. 29.—The Philabere's Sunday and Daily Schools.

No. 34.—The Ulster Royal Daily School endowments.

No. 56.—The Gilson Schools, Oldcastle;

and reported that Wednesday, October 29, had been fixed for the consideration of these objections by the Judicial Committee of the Privy Council.

The Commissioners considered the objections with a view to the preparation of their observations thereon.

The objections to the Munster Dairy School and Agricultural Institute were considered.

The Commissioners adjourned.

WILLIAM O'BRIEN.

November 5, 1890.

N. D. Murphy, Assistant Secretary.

October 20, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day at the Court House, Cork.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. E. Toohy, Shorthand Writer, was in attendance.

SCHEME No. 62, THE MUNSTER DAIRY SCHOOL and AGRICULTURAL INSTITUTE.

(Objections to Draft Scheme.)

Ladlow A. Beamish, Hon. Sec., and W. B. Lacey, Secretary, appeared on behalf of the Committee of the Munster Dairy School.

J. Denny M.P. (Instructed by M. J. Horgan), appeared on behalf of Maurice Healy, M.P., one of the objectors.

The following objectors appeared in person:—W. J. Lane, M.P.; Alderman Hooper, Jas. Byrne.

Lord Justice FitzGibbon made an introductory statement.

The following made statements:—

Ladlow A. Beamish, Hon. Sec.

W. B. Lacey, Secretary.

J. Denny, M.P.

W. J. Lane, M.P.

M. Aherne, F.R.S.

C. K. D. Tanner, M.P.

M. O'Sullivan.

James Byrne.

Alderman Hooper.

John Healy.

Lord Justice FitzGibbon made a concluding statement.

The Commissioners adjourned.

WILLIAM O'BRIEN.

November 5, 1890.

N. D. Murphy, Assistant Secretary.

October 20, 1890.

Meeting of the Commission held this day, at the Imperial Hotel, Cork.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

The objections lodged with the Clerk of the Privy Council to Schemes Nos. 23, 34, and 56, were considered, and the observations of the Commissioners thereon were drafted and ordered to be printed.

The Commissioners adjourned.

WILLIAM O'BRIEN.

November 5, 1890.

N. D. Murphy, Assistant Secretary.

October 23, 1890.

Meeting of the Commission: held this day at the office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Letters read:

The Secretaries Commissioners of Charitable Donations and Bequests (Oct. 11), acknowledging letter of the Commission as to the Scheme for Donaghadee Free Schools.

Rev. H. Kingmill Moore, M.A. (Oct. 13), asking that copies of all Schemes published may be sent to him.

G. R. Willis Sandford (Oct. 16), giving date of Lord Mount Sandford's death.

Rev. L. Paul T. Ledoux (Oct. 16), as to inquiry at Killinshy.

Rev. David R. Moore (Oct. 16 and 18), as to inquiry at Killinshy.

Geo. G. Barry (Oct. 18), as to valuation of Margret premises.

The Clerk of the Privy Council (Oct. 20), giving notice of sitting to hear objections lodged against the Amended Schemes for Philsborough Sunday and Daily Schools, Dublin, and for Gilson Schools, Oldcastle, and against the further Amended Scheme for the Ulster Royal School Endowments.

Rev. David R. Moore (Oct. 18), granting the Commissioners permission to hold an inquiry at the Killinshy Schoolhouse.

Colonel Wm. Kemmis (Oct. 18), stating he cannot attend the inquiry at Woodenbridge in reference to the Caryfort Royal School Endowment.

Letters also read:—

Carl Hennig (Oct. 15) as to when the Royal School Scheme will be finally approved.

M. Bessett, Assistant Master, Royal School, Daingemon (Oct. 16), as to the Schedule to the Ulster Royal Schools Scheme.

Memorial (Oct. 16), from the following Assistant Masters in Royal Schools:—Thomas Gordon, M.A.; W. A. Gunning, M.A.; Carl Hennig, M.A.; and W. J. Valentine, M.A., as to the Schedule to the Ulster Royal Schools Scheme.

Rev. George Tottenham (Oct. 16), wants extension of time for sending "consents" for Schools in Clogher Diocesan Scheme.

Thomas Laffan, M.D. (Oct. 16), as to the Scheme for the Cashel Corporation School Endowment.

Rev. Thomas Cox (Oct. 20), as to the necessity of an inquiry at Ballycastle.

Rev. John Jackson (Oct. 22), asking if affidavits by witnesses will be accepted at the inquiry at Ballycastle, instead of oral testimony.

Rev. John Stewart (Oct. 21), sending amendments to the Schedule of the Scheme for the Presbytery of Carrickfergus.

Rev. S. F. Dudley Janns (Oct. 20), as to leading powers for School purposes.

Messrs. L'Estrange and Brett, Solicitors (Oct. 16), sending further amendments of the Committee to the Draft Scheme for the Belfast Library and Society for Promoting Knowledge.

Rev. Robert McElroy, as to the Schools at Saintfield, County Down, mentioned in the Schedule to the Scheme for the Parochial Schools of the Diocese of Down, Connor and Dromore.

Replies, as drafted, ordered to be sent.

Letters read asking that Schemes may be prepared for the following Presbyteries:—

Rev. John Jackson (Oct. 14), Presbytery of Route.

Rev. A. McGroary (Oct. 21), Presbytery of Comber.

The usual letters asking for particulars directed to be sent in reply.

Letters read from the following persons, and the replies as sent approved:—

Rev. S. Outhbert Mitchell (Oct. 14), as to objections lodged against the Further Amended Scheme for the Ulster Royal School Endowments.

C. Sheldon, D.Lit. (Oct. 15), whether he can still lodge objections to the Further Amended Scheme for the Ulster Royal School Endowments.

Letter (Oct. 20), read from the Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick, as to the dimensions of and accommodation in the Leamy Schools, Limerick.

Ordered:—

That His Lordship be thanked for the information contained in his letter, and also that a copy of the letter be sent to the Very Rev. Dean Bunbury, Limerick, with a covering letter as drafted.

The observations of the Commissioners on the objections lodged with the Clerk of the Privy Council against the following Schemes were considered, amended, and finally passed:—

No. 29.—Philsborough Sunday and Daily Schools, Dublin (Amended Scheme).

No. 34.—The Ulster Royal School Endowments, &c. (Further Amended Scheme).

No. 56.—The Gilson Schools, Oldcastle (Amended Scheme).

And the Assistant Secretary was directed to return to the Clerk of the Privy Council the original objections lodged against the above named Schemes, together with printed copies of the observations of the Commissioners, and also to send printed copies of the objections and observations to parties interested in each case.

The Commissioners adjourned.

WILLIAM O'BRIEN.

November 3, 1890.

N. D. Murphy, Assistant Secretary.

October 25, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day at the Wooden Bridge Hotel, County Wicklow.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. A. Dunlop, Shorthand Writer, was in attendance.

SCHEME No. 85.—THE CARYSFORT ROYAL SCHOOL ENDOWMENT.

(Objectives and Amendments.)

Lord Justice FitzGibbon made an introductory statement.

The following were examined and made statements:—

J. Langrell,
J. Stephenson,
The Earl of Carysfort,
Rev. M. Farrelly, O.C., Arklow.

The following were examined:—

J. Clancy,
Robert Philpot, J.P.,
Rev. Thomas Dunphy, J.P., Arklow,
Rev. R. C. Halloran, Incumbent of Arklow,
Rev. William Harper, Methodist Minister.

The Commissioners adjourned.

Subsequent to the Inquiry Dr. Traill visited and inspected the Castlemeadham Technical School under the management of the Rev. J. M. Robinson, Castlemeadham.

WILLIAM O'BRIEN.

November 5, 1890.

N. D. Murphy, Assistant Secretary.

October, 31, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day at the Killinsky National School, County Down.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Mr. J. McBride, Shorthand Writer, was in attendance.

BALLYDOSS NATIONAL SCHOOL.

Professor Dougherty made an introductory statement.

W. G. Mulligan, instructed by J. F. Mulligan, Solicitor, appeared for the Remonstrant Synod of Ulster, and made a statement.

The following made statements and were examined:—

Rev. Alexander Wilson,
Rev. Li. Paul T. Ledoux,
Rev. W. Todd Martin, M.B.,
Rev. David B. Moore,
Rev. Thomas Dunkerley,
James Gourley, J.P.

The following witnesses were sworn and examined:—

Andrew Morrow,
Rev. Alex. Wilson,
Edwin Priestly, M.A.,
Alexander Gordon,
Samuel Stuart.

KILLINCHY SCHOOL.—WARE'S ENDOWMENT.

The following were sworn and examined:—

Rev. David R. Moore,
Rev. Alexander Wilson,
James Richey,
Mrs. Kirkpatrick,
John Boyd,
William McIlrath.

The following made statements and were examined:—

W. G. Melligan,
Rev. A. McCreery,
Rev. W. Todd Martin, M.A.,
W. M. Miller, J.P.

The Commissioners adjourned.

Previous to the Public Sitting the Commissioners visited the Ballydoran School, and the Killinchy Schools.

WILLIAM O'BRIEN,
November 5, 1890.

N. D. Murphy, Assistant Secretary.

November 1, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day at the Court House, Ballycastle.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Mr. J. McBride, Shorthand Writer, was in attendance.

SEAR'S BEQUEST.—RAMOAN SCHOOL.—MOTARGET SCHOOL.

Dr. Traill made an introductory statement.

The following witnesses were sworn and examined:—

Rev. Thomas Cox, M.A.,
William Taylor,
Alexander McAlister,
James Goode,
James Rankin,
Rev. J. G. Kirkpatrick,
Rev. John Jackson,
Rev. S. Johnston.

The Rev. Isaac P. Barnes made a statement.

The Commissioners adjourned.

WILLIAM O'BRIEN,
November 5, 1890.

N. D. Murphy, Assistant Secretary.

November 3, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FRYGEMAN, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Minutes of preceding meetings of October 10 and October 23 were read and confirmed.

Letters read:—

Rev. Samuel Johnston (Oct. 27), sending further suggestions as to a Scheme for Newport Parochial School, County Mayo.
Messrs. Lawrence Graham & Long, Solicitors (Oct. 27), sending a Copy of the Will of Lawrence Gilson.

Letters also read from :—

Sir W. S. B. Kays, c.n. (Oct. 28), as to the probable duration of the Commission.

Thomas Laffan, m.a. (Oct. 31), as to the Scheme for the Cahel Corporation School Endowment.

J. H. Moore Garrett as to the result of Visiting Schools in Diocesan Boards incorporated by Schemes under the Act.

Very Rev. Dean Bunkury, m.a. (Oct. 31), with reference to the Most Reverend Dr. O'Dwyer's letter of Oct. 20, on Leamy's Schools, Limerick.

F. Sanderson, c.n. (Oct. 31), as to the Scheme for Joseph Brown's Endowment, County Down.

Rev. Thomas Brown, p.p., Loughmore (Oct. 30), as to the Scheme for the Limerick Endowment for Technical Education.

Messrs. L'Estrange & Brett, Solicitors (Nov. 1), sending names to be substituted for those of Dr. H. Hudson and Mr. W. H. Patterson in the Scheme for the Belfast Library and Society for Promoting Knowledge.

Replies, as drafted were ordered to be sent.

The Commissioners adjourned.

WILLIAM O'BRIEN,
November 5, 1890.

N. D. Murphy,
Assistant Secretary.

November 5, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL.

Minutes of meetings of October 18, 20, 25, 31, and November 1 and 3, were read and confirmed.

Letter (Oct. 28), read from Rev. Thomas Dunphy, p.p., Arklow, as to the Scheme for the Carysfort Royal School Endowment—

A reply, as drafted, ordered to be sent, and the Secretary was directed to write in terms as drafted to the Rev. E. C. Halloran, Rector of Arklow, and to enclose him a copy of the reply sent to the Rev. Mr. Dunphy.

The objections and amendments to the following Draft Schemes were considered :—

No. 85.—Carysfort Royal School Endowment.

No. 90.—The Diocesan Schools and the Panagher Royal School Endowments.

No. 94.—The Limerick Endowment for Technical Education.

No. 95.—The Leamy Endowment, Limerick.

Directions were given with regard to proceeding with and framing Schemes for the Endowments, for which drafts have been published.

No. 63.—The Lally School Endowment, Ballymacreagh.

No. 76.—The Parochial Schools of the Diocese of Limerick.

No. 77.—The Parochial Schools of the Diocese of Leighlin.

No. 82.—The Donaghadee Free Schools.

No. 83.—The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena.

No. 84.—The Endowments of and belonging to Congregations under the care of the Presbytery of Newry.

No. 86.—Arthur Smith's Charity.

No. 88.—The Parochial Schools of the Diocese of Armagh.

No. 89.—The Parochial Schools of the Diocese of Down, Connor, and Dromore.

No. 91.—The Anne Hall Endowments.

No. 92.—The Belfast Library and Society for Promoting Knowledge.

No. 93.—The Parochial Schools of the Diocese of Ardagh.

No. 96.—The Parochial Schools of the Diocese of Clogher.

No. 97.—The Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus.

No. 98.—Hugh Henry Boyd's Endowment, Belfast.

The Commissioners adjourned.

WILLIAM O'BRIEN,
November 7, 1890.

N. D. Murphy,
Assistant Secretary.

November 7, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRALL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. David R. Moore (Nov. 5), correcting his evidence, as given at Killynashy.

Rev. J. W. Gibson (Nov. 4), enclosing Memorial from the Raffrey Presbyterian Congregation, as to the Killynashy Schools, County Down.

Rev. Thomas H. Fleming (Nov. 5), sending a statement and other papers in relation to Rockfield Institution.

Letters also read from:—

Sir W. S. B. Kaye, C.B. (Nov. 3), as to when the Report of the Commissioners for the year 1889-90 will be ready.

Sir W. S. B. Kaye, C.B., asking for a statement of the progress of the Commission, showing the necessity for making further money provision.

Rev. L. J. Farrelly (Oct. 27), asking for a Copy of the Objections to the Draft Scheme for the Carynfort Royal School Endowment.

Venerable Archdeacon Kearney (Oct. 27), asking that a Scheme may be prepared for the Parochial Schools of the Diocese of Elphin.

Curt. Hennig, M.A., as to his position under Clause 74 of the Ulster Royal Schools Scheme.

R. J. Moss, Registrar, Royal Dublin Society (Nov. 5), enclosing Resolution of the Committee of Agriculture with reference to the Scheme for the Anne Hall Endowments.

Rev. Wm. Stuart (Oct. 29), asking whether the preparation of a Scheme for the Endowments of the Presbytery of Comraght can be delayed till February next.

Robert T. Martin, Solicr. (Oct. 14), asking if the Commissioners would prepare a Scheme for the Endowments belonging to the Presbyterian Congregation of Townsend-street Church, Belfast.

Replies, as drafted, ordered to be sent.

Letter (Oct. 14), read from Charles F. Falla, Solicitor, as to a claim for repairs of Lattin National School (included in the Scheme for the Anne Hall Endowments), due the Estate of the late J. A. Wood.

Ordered:—That inquiries be made at the office of the Commissioners of Charitable Donations and Bequests and a report on same submitted.

The principles of the Draft Scheme for the Bangor Endowed School were discussed, and the Assistant Secretary was directed to revise the Scheme so as to carry out the suggested amendments.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 12, 1890.

N. D. Murphy, Assistant Secretary.

November 8, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRALL, Professor DOUGHERTY.

Letters read:—

The Secretaries, Commissioners of Charitable Donations and Bequests (Nov. 5) as to Clause 10 of the Scheme for the Donaghadee Free Schools.

Wm. Mooney and Son, Solicitors (Nov. 7), stating they will send in a short time the information required as to Arthur Smith's Charity.

Directions, as stated in each respective case, were given with regard to the following Schemes:—

No. 71.—Strabane Academy

To stand over till the decision of the Committee of Management be found out.

No. 77.—Parochial Schools of the Diocese of Leighlin;

A letter, as drafted, to be sent to the Representative Church Body, with reference to certain Schools in the Schedules vested in them, but not covered by their consent of April 18, 1890.

No. 25.—Carynfort Royal School Endowment;

Enquiries to be made as to Owners of Arklow Fishing Boats and Shipping.

No. 88.—The Parochial Schools of the Diocese of Armagh ;

Letters, as drafted, to be written to the Incumbents of the Parishes of Richhill and St. Saviour's, as to Endowments from "the late Mr. Bacon," to Schools in those Parishes, given in the Schedules of the Scheme.

The following Draft Schemes were ordered for first publication in December :—

Bangor Endowed School.

The Endowments of and belonging to Congregations under the care of the Route Presbytery.

Brown Street Sunday and Daily Schools, Belfast.

The Parochial Schools of the Diocese of Derry.

The Parochial Schools of the Diocese of Kildala and Acherry.

The following Draft Schemes were ordered to be brought up for consideration on the dates mentioned :—

Mulleton Endowed School,

The Tale School, Wexford,

Crofton Endowments, Glasnevin,

Ballyroan Endowed School,

} November 15.

} November 22.

The Heads of Schemes for the following Endowments were ordered to be prepared by the Commissioner in charge of each respectively :—

The General Orphan Home,

The Masterman Charity, Manorbennet.

New Ross Endowed School.

Newport Parochial School.

The Heads of the Report of the Commissioners for the year 1889-90 were settled.

The Returns giving the names of Students who gained entrance Exhibitions in Trinity College, and the Royal University, with their successes at the Intermediate examinations, were ordered to be prepared to date, and printed.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 12, 1890.

N. D. Murphy, Assistant Secretary.

November 12, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings were read and confirmed.

Letter (Nov. 8) read from Sir William Quater Ewart, Bart., as to the Scheme for the Ladbroke School Endowment.

Letter read also from the Secretary, Commissioners of Education (Nov. 10), asking for the consent of the Commissioners that a bridge should be built on the Cavan Estate, the expenditure not to exceed £24.

A letter, enclosing the written consent of the Commissioners, ordered to be sent.

Dr. Traill submitted letters from Wm. Johnston, M.P., and John R. McConnell, as to an Endowment created by the will of Thomas Henry, for an Agricultural School in the parish of Down.

Ordered :—

That copies of the Schemes, published for the Munster Dairy School and Agricultural Institute, and for the Anne Hall Endowments, be sent to Mr. Johnston and Mr. McConnell, and that the latter be requested to furnish any copy of the will in question which he may have, and also any other documents in his possession relating to the Endowment.

In the case of the Scheme for the Carysfort Royal School Endowment, the Assistant Secretary reported the result of an interview he had with the Registrar of Merchant Shipping for the Port of Dublin, with regard to obtaining a list of fishing boats belonging to Arklow, and also a list of vessels registered under the Merchant Shipping Act and owned, or partly owned, in Arklow or its neighbourhood.

The Assistant Secretary was directed to apply for the necessary lists.

The Draft Report for the year 1889-90 was further considered, and certain paragraphs were ordered to be added.

The Commissioners adjourned.

GERALD MOLLOY,

November 14, 1890.

N. D. Murphy, Assistant Secretary.

November 14, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Canon R. Babington (Nov. 13), acknowledging receipt of letter of 12th inst., as to the Derry Diocesan Scheme.

The Secretary, Representative Church Body (Nov. 13), acknowledging receipt of letter of 11th inst., as to the Leighlin Diocesan Scheme.

Rev. John Kingham (Nov. 15), as to a Scheme for the Endowments belonging to Association for the Employment of Industrious Blind, Belfast.

The Clerk of the Privy Council, Dublin Castle (Nov. 13), resmitting the Amended Scheme for the Phibsborough Sunday and Daily Schools, Dublin, with a declaration.

Letter (Nov. 12) read from the Incumbent of St. Saviour's Parish, Diocese of Armagh, as to the Endowments from "the late Mr. Bacon" to Schools in that parish.

Ordered:—

That the Rev. W. Moore Morgan be communicated with on the matter.

The Draft Report for the year 1889-90 was further considered and amended.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 15, 1890.

N. D. Murphy, Assistant Secretary.

November 15, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (Nov. 14) read from F. G. Walpole, Collector of Customs, Dublin, with regard to the cost of supplying the information as to Fishing Boats and Merchant Shipping connected with Arklow.

To be informed that the Commissioners will defray the cost of furnishing:—

1. List of all owners of vessels resident in or near Arklow, dividing them into two classes—owners of Merchant Shipping and owners of Fishing Boats—and showing the amount of the share or shares of each owner and the tonnage of the vessel.
2. Amount of the tonnage owned by each owner, dividing the list into two classes—(a) Merchant Shipping and (b) Fishing Boats.

Letter (Nov. 12) read from Rev. Matthew Murphy, asking if the time has expired for applying for a Scheme for the Endowments of the Presbytery of Athlone.

A Reply, as drafted, ordered to be sent.

The Report for the year ending September 30, 1890, was further considered, amended, and signed.

The consideration of the Draft Schemes for Middleton Endowed School and the Tate School, Wexford, was postponed.

WILLIAM O'BRIEN,

November 19, 1890.

N. D. Murphy, Assistant Secretary.

November 19, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRULL.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Clerk of the Privy Council, Dublin Castle (Nov. 17), sending copy of the Scheme for the Gibson Schools, Oldcastle, as provisionally approved.

John R. McConnell (Nov. 17), as to the Thomas Henry Endowment, parish of Down.

Rev. W. Todd Martin, M.A. (Nov. 17), sending names of representatives of General Assembly to be substituted in the Ulster Royal Schools Scheme—one on the Armagh Board in place of the Rev. Jackson Smith, D.D., and one in place of the Rev. John H. Murphy, on the Cavan Board.

Letters also read :—

Rev. H. Kingsmill Moore, M.A., (Nov. 17), sending on behalf of the Education Sub-Committee of the Standing Committee of the General Synod, an objection to the Draft Scheme for the Discoman Schools, and Raragher Royal School Endowments.

Robert Malligan (Nov. 17), as to the Bangor School, included in the Schedule to the Banbridge Presbytery Scheme.

Rev. R. O. Hallows (Nov. 17), giving certain names for the proposed Arklow Board of Trustees, to be named in the Carysfort Royal School Scheme.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Bangor Endowed School was considered and passed; to be brought up, as amended, for final approval.

The Commissioners adjourned.

WILLIAM O'BRIEN.

November 21, 1890.

N. D. Murphy, Assistant Secretary.

November 21, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. Andrew Patton (Nov. 20), enclosing consent that Craigwarren N.S., be included in the Schedule to the Ballymena Presbytery Scheme.

The Secretaries, Commissioners of Charitable Donations and Bequests (Nov. 20) stating objections of their Board to the Draft Scheme published for the Leamy Endowment, Limerick.

Letters also read :—

Moore, Hare & Co., Solicitors (Nov. 20), as to the Scheme for the Gibson Schools, Oldcastle, now provisionally approved by the Lord Lieutenant.

Rev. Alex. Omeo (Nov. 19), as to signing "consent" for schoolhouse only.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write again to the Rev. William Johnston, D.D., asking him to forward the documents and give the information necessary to prepare the Draft Scheme for the Brown Street Schools, Belfast.

The Draft Scheme for the Middleton Endowed School was discussed, and the further consideration thereof was postponed.

The Draft Scheme for the Tate School, Wexford, was discussed, and it was the opinion of the Commissioners present, that the Mayor of Wexford should be a member of the Governing Body.

The Commissioners adjourned.

WILLIAM O'BRIEN,

November 26, 1890.

N. D. Murphy, Assistant Secretary.

November 23, 1890.

Meeting of the Commission, held this day at the office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Professor DOUGHERTY.

Letters read :—

The Secretary, Representative Church Body (Nov. 21), giving consent that Schools in the Diocese of Clogher vested in that Body under the Irish Church Act, be placed under the Governing Body to be constituted for the Parochial Schools of that Diocese.

Letters also read :—

Rev. D. R. Moore (Nov. 20), enclosing further statements and three Statutory Declarations bearing on the evidence given at the Killinchy inquiry.

Rev. John Jackson (Nov. 20), giving names of trustees to be incorporated to hold Endowments belonging to the Route Presbytery and as to obtaining the necessary consents.

Rev. H. Kingsmill Moore, M.A. (Nov. 21), enclosing Resolution of the Sub-Committee of the Standing Committee of the General Synod, asking the Commissioners to prepare a Draft Scheme for the Parochial Schools of the Dioceses of Dublin, Glendalough, and Kildare.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Tote School, Wexford, was considered, and on reading the minute of the previous day on the subject, it was agreed that the Mayor of Wexford for the time being should be placed on the Governing Body.

The Draft Scheme for Middleton Endowed School was considered, and the Secretary was directed to write in terms as drafted, to each member of the present Governing Body.

A letter of the Most Rev. Dr. Donnelly, Lord Bishop of Clogher (Nov. 21), as to the Scheme for the Ulster Royal School Endowments, was considered, and the further consideration thereof was postponed to Wednesday, November 26.

Copies of the Report for presentation to the Lord Lieutenant were signed by the Commissioners.

The Commissioners adjourned.

WILLIAM O'BRIEN,
November 26, 1890.

N. D. Murphy, Assistant Secretary.

November 26, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERALD, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letters read :—

C. Sheldon, D.Lit. (Nov. 21), as to the Ulster Royal Schools Scheme.

Robert T. Martin (Nov. 26), enclosing original documents relating to the Brown Street Schools, Belfast.

Replies, as drafted, ordered to be sent.

The Draft Scheme for Bangor Endowed School was considered, and finally approved.

The letter dated November 21 from the Most Rev. Dr. Donnelly, Lord Bishop of Clogher, was discussed, and the Secretary was directed to write, in terms as drafted, to the Secretary, Commissioners of Education in Ireland, giving notice of a Public Sitting, to be held on Wednesday, December 3, at 12 o'clock noon, to consider the matter of Dr. Donnelly's letter; letters in similar terms with reference to the sitting to be sent to the Most Rev. Dr. Donnelly, Very Rev. Archdeacon Smollen, and Rev. S. Cuthbert Mitchell, Hon. Sec., Protestant Local Committee, Enniskillen.

Formal notice of the above Public Sitting was ordered to be sent to every one who got notice of the Ulster Royal Schools Scheme, and an advertisement of same inserted once in each of the Dublin daily papers.

The Commissioners adjourned.

WILLIAM O'BRIEN,
November 28, 1890.

N. D. Murphy, Assistant Secretary.

November 28, 1890.

Meeting of the Commission held this day, at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Canon R. Bakington (Nov. 27) giving name of lay trustee for proposed Governing Body to be named in the Derry Diocesan Scheme.

L. Edward Steele (Nov. 27) giving consent of the Governors of the Church of Ireland Training College that Gardrum school be included in the Clogher Diocesan Scheme.

Letter (Nov. 26) read from the Secretary, Board of Works, Dublin, asking for what further period after March 31, 1891, the Educational Endowments Commission will require the office, 23 Nassau Street, Dublin.

Same reply, as last year, ordered to be sent.

The question as to Newport Parochial School endowment, referred to the full Commission (i.e., the vesting of the schoolhouse), was discussed, and it was ordered that enquiry should be made at the Office of the Commissioners of Charitable Donations and Bequests, if the schoolhouse in question was vested in that Board, and, if it should turn out so to be, it was agreed that under the Scheme it should remain so vested, but if not, that it should be dealt with as suggested in the heads of Scheme submitted, viz., vested in trustees of the Diocesan Scheme for Taam by being included in the schedule to that Scheme.

The heads of a Scheme for the New Ross endowed school, as submitted to the Assistant Commissioners, were brought up and discussed, and it was resolved that the Draft Scheme should be framed on the lines of the existing Chancery Scheme.

The Draft Scheme for the Tab School, Wexford, was considered.

The Commissioners adjourned.

GERALD MOLLOY,

November 29, 1890.

N. D. Murphy, Assistant Secretary.

November 29, 1890.

Meeting of the Commission held this day, at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:

Robert T. Martin (Nov. 28) sending information as to Brown Street schools, Belfast.

Rev. James Dowd (Nov. 28) stating that Limerick Diocesan Council do not think Scheme for the parochial endowments in that Diocese necessary.

Letter (Nov. 3) read from Rev. S. F. Druley-Janus addressed to Dr. Trill, as to schoolhouse in his parish, now claimed as private property.

Reply, as drafted, ordered to be sent.

Letter (Nov. 5) read from Rev. I. P. Barnes, Ballycastle addressed to Dr. Trill, as to an endowment in that parish from a farm known as "Charter Lands," administered by the Incorporated Society.

It was agreed:—

That the endowment should be dealt with under the Incorporated Society Scheme, and that the question of the application be brought up for the full Commission on the discussion of that Scheme.

The Commissioners adjourned.

GERALD FITZGERDON,

December 4, 1890.

N. D. Murphy, Assistant Secretary.

December 3, 1890.

PUBLIC SITTING.

Meeting of the Commission held this day, at the Office, 23 Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. George K. Magee, Shorthand Writer, was in attendance.

Lord Justice FitzGibbon and Mr. Justice O'Brien made introductory statements.

No. 34 (AMENDED SCHEME). THE COMMISSIONERS OF EDUCATION in IRELAND and the
ENDOWMENTS of the ULSTER ROYAL SCHOOLS.

The following persons and bodies were represented as under, or appeared in person :—

The Commissioners of Education in Ireland, by Jeffrey M'Dowell, Secretary.

The proposed Fermanagh Roman Catholic Local Board, by the Most Rev. Dr. Donnelly,
Lord Bishop of Clogher, and the Very Rev. Archdeacon Smollen.

The Local Committee of Protestant denominations in the County of Fermanagh, by the
Rev. Canon C. T. Ovenden, William R. Cooney, and the Rev. A. N. Haire-Foster.

Rev. W. Moore Morgan, M.A., Head Master, Royal School, Armagh.

Very Rev. Dean Byrne, F.R., Dungannon.

Rev. J. M. Hamilton, M.A., Clerk of the Dublin Presbytery.

Jeffrey M'Dowell was sworn and examined.

The following made statements :—

The Most Rev. Dr. Donnelly.

Rev. Canon C. T. Ovenden.

Wm. R. Cooney.

Very Rev. Archdeacon Smollen.

Rev. A. N. Haire-Foster.

Rev. W. Moore Morgan, M.A.

MEETING.

Letter (December 2) read from Rev. W. Prior Moore, M.A., as to the present state of the
Cavan Royal School premises.

Letter addressed to Professor Dougherty, from C. H. Brett, Solicitor, was submitted in
reference to the Scheme for the Belfast Library and Society for Promoting Knowledge.

A reply, as drafted, ordered to be sent.

The Amended Scheme for the Ulster Royal School endowments, was considered, and
the clause as to the Portora Royal School premises was amended and agreed to.

The Draft Scheme for the Tate School, Wexford, was finally considered and passed, the
question as to inclusion of the Mayor of Wexford on the governing body, being decided
in the affirmative, Dr. Traill dissenting.

The Draft Scheme for the Benger Endowed School was considered, amended, and finally
passed, the governing body to stand as in "final" copy.

The Draft Scheme for the Brown Street Schools, Belfast, was considered and amended.

It was arranged :—

That a public sitting be held in Belfast, on some day between January 8 and January 11,
1891, to consider objections lodged against the Draft Schemes for the Parochial Schools of
Down and Connor and Donmore, and for Hugh Henry Boyd's Endowments.

The Commissioners adjourned.

GERALD FITZGIBSON,
November 4, 1890.

N. D. Murphy, Assistant Secretary.

December 4, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings, read and confirmed.

Letters read:—

Rev. John Kingham (Dec. 3), as to a Scheme for the Endowments belonging to the Association for the Employment of Indigent Blind, Belfast.

Rev. James B. Kellett (Nov. 17), sends Schedule of Endowments for Osney Diocesan Scheme, O. Sheldon, D. Litt. (Dec. 3), sending copy of a circular addressed to the newspapers in reference to the Ulster Royal Schools Scheme.

The Clerk of the Privy Council, Dublin Castle (Nov. 26), acknowledging the receipt of the Report of the Commissioners for the year 1889-90.

Messrs. William Mooney & Son, Solicitors (Dec. 4), giving a description of the property of the late Arthur Smith (Scheme No. 85).

Letter (Nov. 23), read from the Rev. John Kingham as to a Scheme for the Finnerwick Place Church Endowments, Belfast.

A reply as drafted ordered to be sent, and the Secretary was directed to write in terms as drafted to the Convener of the Presbytery of Belfast, with regard to the proposed Scheme for that Presbytery, in which all Endowments belonging to it would be included.

Letter (Dec. 2), read from N. D. Crommelin, as to the Carrrowdore National School being included in the Scheme for the Parochial Schools of Down and Connor and Dromore.

A reply as drafted, ordered to be sent.

With regard to the Scheme for Hugh Henry Boyd's Endowment, Belfast, the Secretary was directed to write to the Rev. James Martin stating that at the sitting in Belfast next January, the Commissioners will be glad to confer with him and his co-trustees on the Scheme, and that copies of the revised Scheme will be sent out beforehand.

It was agreed—

That the sitting in Belfast be held on January 8, 1891.

The Commissioners adjourned.

GERALD FITZGERBON,

December 5, 1890.

N. D. Murphy, Assistant Secretary.

December 5, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Thomas Moore, LL.B., (Dec. 3), as to the proposed Scheme for Midleton Endowed School.

Rev. R. F. Dill (Dec. 3), asking for latest copy of Ulster Royal Schools Scheme.

Messrs. L'Estrange and Brett, Solicitors (Dec. 4), sending information relative to Belfast Library and Society for Promoting Knowledge.

Letter (Dec. 4), read from Charles J. Battersby, on behalf of Diocesan Council of Ardagh, objecting to the Draft Scheme for the Diocesan Schools and Banagher Royal School Endowments.

A reply, as drafted, ordered to be sent.

The Scheme for the Belfast Library and Society for Promoting Knowledge, together with the documents received from Messrs. L'Estrange and Brett, was considered and amended.

A reply as drafted to the letter from Rev. W. Prior Moore, M.A., dated Dec. 2, was ordered to be sent.

The Commissioners adjourned.

GERALD FITZGERBON,

December 12, 1890.

Wm. Edward Ellis, Secretary.

December 10, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Rev. Dr. MULLOT, Dr. TRAILL.

Letters read :—

J. G. V. Porter (Dec. 6), as to the Lisbellaw National Schools included in the Draft Scheme for the Parochial Schools of the Diocese of Clogher.

Messrs. Murland and Co., Solicitors (Dec. 9), acknowledging receipt of a letter as to the Scheme for the Donaghadee Free Schools.

Letters also read :—

R. U. Penrose Fitzgerald, M.P. (Dec. 5), as to the proposed Scheme for Middleton Endowed School.

Messrs. Mooney and Son, Solicitors (Dec. 5), as to an annuity mentioned in the Schedule to the Scheme for Arthur Smith's Charity.

Rev. J. Howard Murphy (Dec. 7), as to the cost of a Scheme for the Endowments of the Presbytery of Cork.

Rev. H. Kingsmill Moore, M.A. (Dec. 9), enclosing Resolution of the Education Sub-Committee of the Standing Committee of the General Synod asking that a Scheme be prepared by the Commission for the Baha School, County Cork.

Replies, as drafted, ordered to be sent.

Papers with regard to the Scheme for Rainey's School, Magherafelt, transmitted from Dublin Castle, were read and considered, and the observations of the Commissioners thereon prepared and agreed to, and ordered to be sent to the Under Secretary.

The Draft Scheme for the Parochial Schools of the Dioceses of Killala and Achonry was considered.

The Draft Scheme for the Brown Street Schools, Belfast, was considered, and the following amendment by Dr. Traill was ordered to be inserted in Friday's agenda :—

To add the present Trustees on the Governing Body and to provide that the maintenance of a Sunday School shall be compulsory.

The Commissioners adjourned.

GERALD FITZGIBSON,

December 12, 1890.

Wm. Edward Ellis, Secretary.

December 12, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Rev. Dr. MULLOT, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

Letters read :—

The Right Hon. Viscount Mallett, as to the proposed Scheme for Middleton Endowed School.

The Secretaries, Commissioners of Charitable Donations and Bequests (Dec. 9), as to clauses 12 and 16 of the Draft Scheme for the Anne Hall Endowments.

D. Dale-Chermis (Dec. 9), stating he will attend the sitting at Belfast, on January 8, 1891, with reference to the Draft Scheme for the Donaghadee Free Schools.

Rev. R. H. Coote (Dec. 9), like effect.

Lavens M. Ewart (Dec. 9), sending corrections for Schedule of the Scheme for the Parochial Schools of Down and Connor and Downmore.

Rev. John Jackson (Dec. 11), as to the proposed Governing Body for the Route Presbytery Scheme.

Letters also read :—

Rev. Thomas Jordan, D.D. (Dec. 11), as to the Rainey School Scheme.

Rev. John Kingham (Dec. 8), as to Scheme for the Fisherwick Place Church Endowments, Belfast.

Rev. S. F. Dudley-James (Dec. 10), as to the Glenarm Parochial School.

Replies, as drafted, ordered to be sent.

The letter, as already sent by direction of Lord Justice FitzGibbon to His Grace Lord Plunkett, Archbishop of Dublin, with reference to the proposed Draft Scheme for the Parochial Schools of the Dioceses of Dublin, Glendalough, and Kildare, was approved.

The Draft Schemes for the following Endowments were considered, amended, and finally passed :—

The Brown Street Sunday and Daily Schools, Belfast.

The Parochial Schools of the Diocese of Derry.

The Endowments of and belonging to the Route Presbytery.

The Parochial Schools of the Dioceses of Killala and Achonry.

It was ordered:—That the following Draft Schemes be first published on December 13, 1890:—

- No. 90.—"The Bangor Endowed School."
 No. 100.—"The Tate School, Westford."
 No. 101.—"The Brown Street Sunday and Daily Schools, Belfast."
 No. 102.—"The Parochial Schools of the Diocese of Derry."
 No. 103.—"The Endowments of and belonging to congregations under the care of the Route Presbytery."
 No. 104.—"The Parochial Schools of the Diocese of Killala and Achonry."

And instructions were given as to the mode of publication.

A list of business to be taken up at Belfast on January 3, 1891 was settled.

The Commissioners adjourned.

GERALD FITZGIBBON,

December 17, 1890.

Wm. Edward Ellis, Secretary.

December 17, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

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| The Secretary, Representative Church Body (Dec. 16), | } Acknowledging the receipt of the circular letter dated Dec. 15, as to the Rainey School Scheme. |
| His Grace, the Lord Primate (Dec. 16), | |
| H. E. Kinross (Dec. 16), | |
| The Clerk of the Salters Company (Dec. 16), | |

Letter (Dec. 16) read from C. Uniacke Townshead, Hon. Sec., Royal Dublin Society, as to Scheme for the Anne Hall Endowments.

Reply, as drafted, ordered to be sent.

The circular letter as to the Rainey School Scheme, already sent out to all parties interested by direction of Lord Justice FitzGibbon, was approved, and the consideration of this Scheme and the Resolution of Parliament with regard to same, was ordered to be added to the Belfast list for January 3, 1891.

The Commissioners adjourned.

GERALD FITZGIBBON,

January 5, 1891.

Wm. Edward Ellis, Secretary.

December 19, 1890.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read:—

The Clerk of the Privy Council (Dec. 15), referring the Scheme for the Rainey School to the Commissioners in accordance with Resolution of House of Commons.

Rev. D. R. Moore (Dec. 17), enclosing letter of National Board Inspector as to the Killiney Schools.

H. H. Bottomley (Dec. 17), granting use of the Courthouse at Belfast, for January 3, 1891.

Rev. S. F. Dudley-James (Dec. 18), as to attending at Belfast on January 3, 1891.

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| Andrew Brown (Dec. 16), | } Acknowledging the receipt of the circular letter, dated Dec. 15, as to the Rainey School Scheme. |
| Rev. Thomas Jordan, M.A. (Dec. 17), | |
| Rev. Wm. Park, M.A., Moderator (Dec. 16), | |

Letters also read:—

Herbert Taylor, H. M. Stationery Office (Dec. 18), asking that, with a view to checking printer's account, the corrected proofs of Schemes published by the Commissioners should be sent to him.

Rev. Stewart Dixon (Dec. 17), as to a Scheme for the Endowments of the Presbytery of Down.

Rev. C. Omsky Wilay (Dec. 17), as to the Draft Scheme published for the Parochial Schools of the Diocese of Killala and Achonry.

Replies, as drafted, ordered to be sent.

Letter (Dec. 16) read from F. S. Walpole, Collector of Customs, Dublin, sending lists of all owners of vessels resident in or near Arklow, and the amount of the tonnage owned by each owner as asked for by minute of November 15.

On reading the above letter the Secretary was directed to pay for the preparation of the list of the owners of vessels in or near Arklow, numbering about 500, the sum of three pounds, and to charge same as a necessary expense to the preparation of a Scheme for the Carysfort Royal School Endowment.

A Public Sitting was fixed to be held on Saturday, January 17, at the office, at 12 o'clock, for the purpose of taking evidence respecting the General Orphan House Endowments, Dublin, instead of January 10, 1891, as already fixed.

The Commissioners adjourned.

GERALD FITZGERSON,

January 5, 1891.

Wm. Edward Ellis, Secretary.

December 23, 1890.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY.

Letters read:—

Rev. Samuel McCune (Dec. 19); Rev. William Reid (Dec. 19); Rev. Alex. Minnis (Dec. 19); acknowledging the receipt of the circular letter of Dec. 15, as to the Rainey School Scheme.

Letters also read:

R. U. Fenrose FitzGerald, M.P. (Dec. 19), as to the proposed Scheme for the Middleton Endowed School.

Charles F. Falls (Dec. 19), as to the Scheme for the Anne Hall Endowments.

A. J. Lennon, Hon. Sec., Association for Employment of Industrious Blind, Belfast (Dec. 20), asking if the Commission will prepare a Scheme for the Endowments of that Institution.

Rev. C. T. P. Grierson (Dec. 22), as to the Scheme for the Parochial Schools of Down and Connor and Dromore.

Rev. E. A. Lyle (Dec. 16), asking for copies of the Scheme as finally approved for Joseph Brown's Endowments.

Rev. R. A. Phoenix (Dec. 22), as to the Scheme for the Parochial Schools of Down and Connor and Dromore.

J. G. Porter (Dec. 22), as to preparing a Scheme for his proposed Endowment to the Manor of Currick National Schools, co. Fermanagh.

Replies, as drafted, ordered to be sent.

Letter (Dec. 19) read from the Clerk of the Salters Company, replying to the circular letter of Dec. 15, as to the Rainey School.

A reply, as drafted, directed to be sent. The Secretary was also directed to send a copy of this reply and of the letter from the Salters Company, to the following parties interested:—

His Grace the Lord Primate; Rev. Thomas Jordan, B.D.; Rev. Alexander Minnis; H. E. Kinoid, Head Master; Rev. H. Kingsmill Moore, M.A.; Rev. W. Todd Martin, M.A.; Samuel Porter, J.R.; Rev. William Reid; Very Rev. Canon Donnelly, P.R.

The Commissioners adjourned.

GERALD FITZGERSON,

January 5, 1891.

Wm. Edward Ellis, Secretary.

January 5, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY.

Minutes of two preceding meetings and of Stated Attendance of December 23, read and confirmed.

Letters read:—

The Secretary, Representative Church Body (Dec. 23), acknowledging the receipt of the circular letter dated Dec. 15, as to the Rainey School Scheme.

The Secretary, Representative Church Body (Dec. 23), giving consent as to the Parochial Schools in the Diocese of Cloghar.

The Secretary, Representative Church Body (Dec. 23), giving consent as to the Parochial Schools in the Diocese of Ardagh.

The Secretary, Representative Church Body (Dec. 23), giving consent as to certain Parochial Schools in the Diocese of Leighlin not included in the former consent.

Rev. Thomas Moore, LL.D. (Dec. 23), as to the proposed Scheme for Middleton Endowed School.

Rev. Samuel Graham (Dec. 24), as to the proposed Scheme for the Endowments of the Presbytery of Down.

Chas. F. Falls (Dec. 29), as to the Scheme for the Anne Hall Endowments and asking that certain vouchers, forwarded by him, be returned.

The Hon. Somerset Ward (Dec. 23), sending amendments to the Draft Scheme published for the Bangor Endowed School.

Mrs. C. Dennis, J.P. (Dec. 30), as to the Stratford Lodge Schools, Balingham.

Messrs. Crawford and Lockhart, Solrs. (Jan. 2), sending amended Schedule relating to the Hugh Henry Boyd's Endowment.

Letters from the following persons in answer to the circular letter of Dec. 15, as to the Ralsay School, were submitted:

The Clerk of the Salters Company (Jan. 3).

His Grace the Lord Primate and Rev. Theo. Jordan (Dec. 31).

Ven. the Archbishop of Armagh (Jan. 1).

Rev. H. Kingsmill Moore, M.A. (Dec. 24).

H. E. Kinross, Head Master (Dec. 30).

Rev. W. Todd Martin, LL.D. (Jan. 1).

Rev. Wm. Reid (Dec. 31).

Rev. George Gillaspie (Dec. 26).

Andrew Browne (Dec. 31).

John Smyth (Jan. 1).

Rev. Samuel McCune (Dec. 31).

Rev. Alexander Minnis (Dec. 31).

Letters also read:—

Rev. S. F. Duffley-Jones (Jan. 1), whether it is necessary that he should attend the sitting at Belfast.

Rev. Stewart Dickson (Dec. 27), asking if it will suffice to send information in February next for the preparation of a Scheme for the Endowments of the Presbytery of Down.

Messrs. L'Estrange and Brett, Solrs., asking if certain corrections can be made in the Scheme for the Belfast Library and Society for Promoting Knowledge.

Herbert Taylor, H.M. Stationery Office (Jan. 5), asking that the printer's proofs of certain Schemes may be sent to him.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGIBSON,

January 10, 1891.

Wm. Edward Ellis, Secretary.

January, 7 1891.

Stated Attendance of the Commissioners held this day at the Office, 25 Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Rev. Dr. MOLLOY.

Letters read:—

Rev. F. J. Clark (Jan. 5), as to Schools mentioned in the Schedule to the Derry Diocesan Scheme.

Charles Taylor, Solr. (Jan. 5), wants information as to the Tate School, Wexford, and asking for copies of the Draft Scheme published.

W. H. Adair (Jan. 5), asking for copies of any Schemes published by the Commission.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write in terms as drafted, to the Rev. John H. Thorpe, M.A., Hon. Sec., City of Cork Church School Board, and to the Rev. R. G. M. Webster, M.A., as to the future custody of certain original Deeds deposited in this office by the late Rev. George Webster, D.D., Rector of St. Nicholas, Cork, in connection with the Scheme framed for the Cork City Parochial Schools.

GERALD FITZGIBSON,

January 10, 1891.

Wm. Edward Ellis, Secretary.

January 8, 1891.
PUBLIC SITTING.

Meeting of the Commission held this day at the Court House, Belfast.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Mr. J. McBride, Shorthand Writer, was in attendance.

Lord Justice FitzGibbon made an introductory statement.

THE RAINEY SCHOOL SCHEME.

(Disapproved in part by Resolution of House of Commons).

J. J. Shaw, Q.C. (instructed by Jas. Henry, Solic.), appeared on behalf of the Intermediate Education Committee of the General Assembly.

The Rev. Thomas Jordan, D.D., appeared on behalf of the Trustees of Rainey's School.

The Rev. H. B. Wilson, D.D., appeared on behalf of the Presbytery of Tyrone.

P. Campbell Gausson, B.L., appeared on behalf of Mr. Kincaid, Head Master of Rainey's School.

The following made statements :—

J. J. Shaw, Q.C.
Rev. Thom. Jordan, D.D.
Rev. H. B. Wilson, D.D.
Rev. Alexander Minnis.
Rev. Wm. Reid.
Rev. G. Gillespie.
P. Campbell Gausson, B.L.
Rev. S. McConn.

THE DONAGHADEE FREE SCHOOLS (OBJECTIONS).

The following were examined and made statements :—

Daniel Delachereux, M.T.
Right Rev. the Lord Bishop of Down and Connor and Dromore.
Rev. B. H. Croft, M.A.

THE PAROCHIAL SCHOOLS OF THE DIOCESE OF DOWN AND CONNOR AND DROMORE (OBJECTIONS).

The following made statements :—

The Very Rev. the Dean of Down.
Joseph J. Murphy, Diocesan Secretary.
Rev. Dr. Welland.
Rev. R. T. Hartick.
Ven. Charles Seaver, Archbishop of Connor.
Rev. John Jackson.

THE LEDLEY SCHOOL, BALLYMACARRETT (OBJECTIONS).

The Rev. G. Goro Mervyn, M.A., made a statement.

HUGH HENRY BOYD'S ENDOWMENT (OBJECTIONS).

The following made statements :—

W. H. Boyd, Q.C. (on behalf of the Trustees of Boyd's Will).
Rev. William Park, M.A., Moderator of the General Assembly.
Rev. George Magill.
Rev. George M'Farland, M.A.
Rev. James Martin.
Rev. George Shaw, M.A.
Rev. William Johnston, D.D.
Rev. R. Jeffrey, M.A.
Rev. Hans Woods, M.A.

THE ENDOWMENTS BELONGING TO THE PRESBYTERY OF BELFAST.

The following made statements :—

Rev. James Martin.
Rev. R. Jeffrey.
Rev. William Johnston, D.D.

The Commissioners adjourned.

GERALD MOLLOY,
January 16, 1891.

N. D. Murphy, Assistant Secretary.

January 10, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY.

Minutes of meeting of January 5, and of the Stated Attendance of January 7, read and confirmed.

Letters read:—

The Clerk of the Saltham Company (January 7), as to the sum of £40 mentioned in his previous letter of January 3.

J. Pearse FitzGerald (January 7), as to the proposed Scheme for Midleton Endowed School.

Rev. John H. Thorpe, Hon. Sec., City of Cork Church School Board (January 9), as to the original Deeds lodged in this office by the late Rev. George Webster, M.A., relating to the Schools in the Parish of St. Nicholas, Cork.

Rev. George Gore Mervyn (January 9), sending amendments to the Draft Scheme for the Ledley School Endowment, Ballynacorney.

Rev. William Stuart (January 5), asking that a Scheme be prepared for the Endowments of the Presbytery of Cemaig.

Letters also read:—

Rev. Andrew Patton (January 7), as to adding other Schools to the Schedule of the Ballymena Presbytery Scheme, now before the Lord Lieutenant in Council.

Rev. S. G. Cotton, M.A. (January 8), asking that certain witnesses not named be summoned to the inquiry re General Orphan Home Endowments.

J. G. V. Porter (January 8), as to his proposed Endowment to the Manor of Carrick National Schools, Co. Fermanagh.

The Secretaries, Commissioners of Charitable Donations and Bequests (January 9), asking if it will be necessary for the Solicitor to that Board to attend the Inquiry re General Orphan Home Endowments.

The Secretaries, Commissioners of Charitable Donations and Bequests (January 9), asking that the copy of the Will of Miss Anne Hall be returned.

Joseph John Murphy (January 9), as to the Scheme for the Parochial Schools of the Dioceses of Down and Connor and Dromore.

Replies, as drafted, ordered to be sent.

A memorandum as to the business of the Commission to be disposed of, was drawn up by the Commissioners, and the Secretary was directed to send a copy of it to each Commissioner.

The Commissioners adjourned.

ANTHONY TRAILL,

JANUARY 14, 1891.

Wm. Edward Ellis, Secretary.

January 14, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL.

Letters read:—

Rev. John Kingham (Jan. 13), as to a Scheme for the Fisherwick Place Congregational Endowments.

Joseph John Murphy (Jan. 13), as to corrections in Schedule to the Down and Connor and Dromore Diocesan Scheme.

F. G. Walpole (Jan. 13), sending receipt for the cost of making out lists of owners of fishing boats and shipping at Arklow.

Rev. S. G. Cotton (Jan. 13), as to the witnesses he thinks should be examined at the inquiry into the General Orphan Home Endowments.

Letters also read:—

J. G. V. Porter (Jan. 14), as to his proposed endowment to the Manor of Carrick National Schools.

Rev. H. S. O'Hara (Jan. 13), as to the Bendersough School, included in the Schedule to the Down and Connor and Dromore Diocesan Scheme.

Rev. E. L. Eves (Jan. 9), as to date when the Draft Scheme for the Ballyroan Endowed School will be published.

Rev. Wm. Johnston, M.A. (Jan. 11), sending amendments to the Draft Scheme published for the Brown Street Schools, Belfast.

Replies, as drafted, ordered to be sent.

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The Secretary was directed to write in terms as drafted, to Mr. W. Gernon, Secretary, Commissioners of Charitable Donations and Bequests, and to Mrs. Eagar, widow of the late Mr. F. Eagar, formerly Registrar of the General Orphan Home, asking them to produce any books, documents, or minutes relating to the General Orphan Home Endowments.

A communication (Jan. 14), read from the Clerk of the Privy Council, Dublin, enclosing petition lodged by twenty ratepayers of the Union of Oldcastle, praying that the Gilson Schools Scheme be laid before Parliament, and asking for the Commissioners' observations thereon.

The observations, as drawn up by the Commissioners, directed to be sent to the Clerk of the Privy Council, together with copies of the several stages of the Gilson Schools Scheme, and also of the objections lodged with the Privy Council, and the Commissioners' observations thereon.

The question of preparing a Scheme for the Catholic University School of Medicine, Dublin, was discussed.

The Commissioners adjourned.

GERALD MOLLOY,
January 16, 1891.

Wm. Edward Ellis, Secretary.

January 16, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting, and of the meeting of January 8, read and confirmed.

Letter (Jan. 16), read from W. Gernon, Secretary, Commissioners of Charitable Donations and Bequests, as to the General Orphan Home Endowments.

Letters also read:—

Rev. Walter Riddell (Jan. 14), as to a School mentioned in the Schedule to the Down and Connor and Downson Diocesan Scheme.

James A. McNEIL, one of the Head Masters of the Campbell College, Belfast (Jan. 16), asking for copies of certain Schemes.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

WILLIAM O'BRIEN,
January 23 1891.

Wm. Edward Ellis, Secretary.

January 17, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Mr. Augustine Short, Shorthand Writer, was in attendance.

GENERAL ORPHAN HOME ENDOWMENTS.

Lord Justice FitzGibbon made an introductory statement.

The following persons attended:—

W. Gernon, Secretary, Commissioners of Charitable Donations and Bequests.	
Mrs. Eagar, Widow of the late Registrar of the General Orphan Home.	
J. T. Maxwell, Solicitor.	
Rev. Canon Jellett, LL.D. H. B. Colthurst, and	} on behalf of St. Peter's Parochial Schools.
Rev. R. G. M. Webster, M.A.,	
Rev. S. G. Cotton, M.A., on behalf of Ceregh Orphanage.	
Rev. R. Walsh, B.A., Rev. Canon Monahan, B.A., and	} on behalf of the Protestant Refuge Society.
Thomas Spunner, Secretary,	
Rev. J. M. Hamilton, M.A., on behalf of the Presbytery of Dublin.	

W. Gernon, M.A., was examined.

The following made statements :—

Rev. S. G. Cotton, M.A.
H. B. Colthurst, M.A.
Rev. Robert Walsh, M.A.
Rev. Canon Montague, M.A.
Rev. J. M. Hamilton, M.A.

MEETING.

Letters read :—

Robert H. Bland (Jan. 16), as to Schools proposed to be included under the Down and Connor and Drogheda Diocesan Scheme.

Rev. Andrew Patton (Jan. 13), as to the cost of a supplemental Scheme for Schools belonging to the Presbytery of Ballymena.

Rev. D. Humphreys (Jan. 14), as to whether the Erasmus Smith Endowments are subject to the jurisdiction of the Commissioners.

Replies, as drafted, ordered to be sent.

The proposed amendments in the Rainey School Scheme were discussed.

Letter (Jan. 15), from Sir W. S. B. Rye, C.B., Dublin Castle, as to the inspection of Schools under the Schemes framed by the Commissioners, read and discussed.

The Commissioners adjourned.

WILLIAM O'BRIEN,

January 23, 1891.

Wm. Edward Ellis, Secretary.

January 23, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings were read and confirmed.

It was ordered :

That a copy of Rev. H. S. O'Hara's letter of January 13, 1891, be sent to Rev. John Jackson, Clerk of the Route Presbytery, with a request that he will furnish the Commissioners with any observations he may think fit to make thereon.

The principles of a Scheme for Middleton Endowed School, County Cork, were discussed and the Secretary was directed to write to the Rev. Thomas Moore, LL.D., in terms as drafted, for the names of the present Trustees of the School, giving the date and other particulars as to their appointment as Trustees.

The Commissioners adjourned.

GERALD FITZGERON,

February 4, 1891.

January 24, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read :—

Rev. W. H. Hutchinson, LL.D. (Jan. 23), sending Schedule for a Scheme for the Parochial Schools of the Diocese of Kilmora.

A. H. Bland (Jan. 23), acknowledging receipt of letter with regard to the Scheme for the Parochial Schools of the Diocese of Down and Connor and Drogheda.

Rev. Thomas Olphert (Jan. 24), as to a School in his parish of Diocese of Derry.

Letters also read :—

Rev. D. Humphreys (Jan. 19), as to the Erasmus Smith Endowments.

Rev. J. S. McClinton (Jan. 23), as to the effect of certain provisions of the Derry Diocesan Scheme.

A. H. Cooper (Jan. 21), as to the Draft Scheme published for the Tate School, Wexford.

Replies, as drafted, ordered to be sent.

The Scheme for the Rainey School, Magherafelt, referred to the Commissioners by Resolution of House of Commons, was discussed and certain amendments agreed to, and it was ordered that a reprint of the Scheme be sent to each of the Commissioners.

The principles of a Scheme for the Crofton Endowments, Clondrohid, were discussed, and their further consideration was adjourned.

The Commissioners adjourned.

GERALD FITZGERSON,

February 4, 1891.

Wm. Edward Ellis, Secretary.

January 28, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Letters read:—

Rev. S. F. Dudley-James (Jan. 26), as to the Glenside Parochial School.

Rev. Thomas Moore, LL.D. (Jan. 26), sending information in reference to Midleton Endowed School.

Rev. A. Power Waring (Jan. 27) sending corrections to Schedule of Derry Diocesan Scheme.

Letters also read:—

John O'Hagan, Solicitor (Jan. 26), acknowledging receipt of letter as to the Scheme for the Catholic University School of Medicine.

Rev. Wm. McDowell (Jan. 27), as to the Scheme for the Ulster Royal School Endowments.

Rev. J. K. Latham (Jan. 26), stating that the Trustees of the Tate School, Wexford, approve of the Draft Scheme published for that Endowment.

Replies, as drafted, ordered to be sent.

Letter (Jan. 23), read from Rev. W. M. Henry as to a Scheme for the Endowments of and belonging to the Presbytery of Cavan.

The usual letter in reply directed to be sent.

The question of framing a Scheme for the Raham School, Mallow (Cotter Charity), was discussed.

The Commissioners adjourned.

GERALD FITZGERSON,

February 4, 1891.

Wm. Edward Ellis, Secretary.

January 30, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Letter (Jan. 28), read from Robert T. Martin, enclosing suggestions for Draft Schemes for the Townsend Street Congregational Endowments, and for the Henry Martin Johnston Fund.

Schemes for these Endowments were ordered to be prepared.

Points in connection with the Schemes for the following Endowments were discussed:—

Rainey School, Magherafelt, Amended Scheme.

Catholic University School of Medicine.

Crofton Endowments, Clondrohid.

Midleton Endowed School.

} Proposed Draft Schemes.

The Commissioners adjourned.

GERALD FITZGERSON,

February 4, 1891.

Wm. Edward Ellis, Secretary.

January 31, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Letters read:—

Rev. H. B. Wilson, *n.a.* (Jan. 27), sending Schedules, &c., for a Scheme for the Endowments of and belonging to the Presbytery of Tyrone.

Rev. J. H. Gatchell (Jan. 27), as to certain Schools mentioned in the Schedules to the Derry Diocesan Scheme.

Letters also read:—

Venerable the Archbishop of Tuam (Jan. 30) as to a Scheme for the Parochial Schools of the Diocese of Tuam.

Rev. D. Humphreys (Jan. 29), as to the Erasmus Smith Endowments.

Rev. George T. Cooper (Jan. 29), as to certain provisions in Schemes framed for Presbytery Endowments.

W. G. Beckett, *M.A.* (Jan. 29), as to attending to give evidence relative to the Charlton Charity.

Rev. H. Kingmill Moore, *M.A.* (Jan. 30), stating he has received a communication from Rev. S. F. Dudley-James, as to Glenasmole Parochial School, and asking what steps should be taken in reference to same.

Replies, as drafted, ordered to be sent.

The Amended Scheme for the Rainey School, Magherafelt, was considered and finally passed: a copy to be sent, with a letter as drafted, to the clerk of the Salters Company, London.

The principles of Schemes in the cases of the following Endowments were discussed, and the Heads of the several Schemes were agreed to:—

Midleton Endowed School.

Crofton Endowments, Clondrohid.

Ballyroan Endowed School.

The Secretary was directed to write, in terms as drafted, to the Representative of the Owner of the Crofton Estate and to the surviving Trustee of the Endowment, asking for information as to the Crofton School, Clondrohid, viz.:—as to the Schoolmaster, if any; as to any accumulation of the rentcharge; and as to the tenure of the house and premises.

The following Schemes were ordered for publication in February:—

Midleton Endowed School.

The Parochial Schools of the Diocese of Kilmara.

Townsend Street Congregational Endowments, Belfast.

Henry Martin Johnston Fund, Belfast.

Ballyroan Endowed School.

Linsabee Endowed School, Newtownforbes.

Crofton Endowments, Clondrohid.

The Commissioners adjourned.

GERALD FITZGERSON,

February 4, 1891.

Wm. Edward Ellis, Secretary.

February 4, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of five preceding meetings were read and confirmed.

Letters read:—

C. W. Osborne (Feb. 3) as to the Master of the Crofton School, Clondrohid.

Robert T. Martin (Feb. 3) enclosing copy of Will of the late Henry Martin Johnston.

Letters also read:—

Rev. Dacre H. Powell (Feb. 3) as to the William Masters Endowment included in the Scheme for the City of Cork Parochial Schools.

Rev. R. S. Cooney (Jan. 31) as to the Scheme for the Erasmus Smith Endowments.

The Most Rev. Dr. Denny, Lord Bishop of Clogher (Feb. 2) as to the Ulster Royal Schools Scheme.

Rev. R. Irwin (Feb. 1) sends names for Governing Body for Endowments of Presbytery of Abeghill.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write to the Master of the Crofton School, Clondrohid, as to the date and particulars of his appointment, and the tenure on which he claims to hold office, also for a copy of the document of appointment.

The Schemes for the Leighlin Parochial Schools and for the Donaghadee Free Schools, as revised by the Judicial Commissioners, were considered and passed.

The Scheme for the Carysfort Royal School Endowment, as revised by the Judicial Commissioners, was considered.

The Commissioners adjourned.

GERALD FITZGIBSON,
February 6, 1891.

Wm. Edward Ellis, Secretary.

February 5, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Letter (Feb. 4) read from H. B. Minhour, as to the Master of the Crofton School, Clondrohid, county Cork.

Letters also read:—

Rev. D. Humphreys (Feb. 4) as to the Erasmus Smith Endowments.

J. McDowell, Secretary, Commissioners of Education (Feb. 4), as to the Schedules to the Scheme for the Month Parochial Schools, Preston School, Navan, &c.

Rev. John S. Gass (Feb. 4) as to a Scheme for the Presbytery of Cavan Endowments.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGIBSON,
February 6, 1891.

Wm. Edward Ellis, Secretary.

February 6, 1891.

Meeting of the Commission held this day at their Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

Letters read:—

The Clerk of the Salters Company (Feb. 5) acknowledging receipt of letter of 4th instant, as to the revised Scheme for the Rainey School, Magherafelt.

Rev. S. F. Dudley-Jenks (Feb. 5), as to the Glenasmole Parochial School.

Rev. W. M. Henry (Feb. 5), as to a proposed Scheme for the Endowments of the Presbytery of Cavan.

Rev. James Martin (Feb. 5), as to the proposed Scheme for the Endowments of the Presbytery of Belfast.

Letters also read from:—

Rev. B. McMorris (Feb. 5).
Rev. A. G. Lusk (Feb. 5) } asking for copy of the Scheme for the Diocese of Raphoe.

Replies, as drafted, ordered to be sent.

Letter (Feb. 5) read from Rev. Thomas Cox with reference to the Sharp Bequest, Ballynastile.

Ordered:—

That a copy of Rev. Mr. Cox's letter be sent to the Reverend John Jackson for his observations.

The List of Schemes, previously arranged to be published at the end of February, was amended and added to, as appearing hereunder, and ordered to be published early in March:—

- 105.—Middleton Endowed School.
- 106.—Presbytery of Connaught Endowments.
- 107.—The Parochial School of Kilmore Diocese.
- 108.—Killybeggy Schools.
- 109.—John Ivory's School, New Ross.
- 110.—Ballyroan Endowment.
- 111.—Townsend Street Congregational Endowments, Belfast.
- 112.—Crofton Endowments, Clondrohid.

ERASMUS SMITH'S ENDOWMENTS.

The principles on which a Scheme should be prepared for Erasmus Smith's Endowments were discussed.

The following resolution was moved by Mr. Justice O'Brien, and seconded by Professor Dougherty:—

That a Draft Scheme be prepared on the basis of a united or mixed Governing Body to manage the Endowments, and of the benefits of the Endowments being available for all denominations without any religious test.

The following amendment was moved by Lord Justice FitzGibbon, and seconded by Dr. Traill:—

That due regard to the spirit of the Founder's intentions requires the constitution of the Governing Body to be exclusively Protestant.

The amendment was negatived, and the original resolution was adopted by the majority of the Commission: Lord Justice FitzGibbon and Dr. Traill voting for the amendment and against the resolution.

Dr. Molloy, while assenting to the resolution that a Draft Scheme should be prepared on the basis proposed by Mr. Justice O'Brien, stated that he did not think this the most satisfactory basis of a Scheme, but that it was less open to objection than the alternative proposal.

The Commissioners adjourned.

Wm. Edward Ellis, Secretary.

ANTHONY TRAILL,
February 14, 1891.

February 7, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. Jas. S. Macartney, Sherthand Writer, was in attendance.

CHARLTON BEQUEST FOR MARRIAGE PORTIONS.

(Further Inquiry.)

W. G. Brooks, M.A., Chief Clerk to the Lord Chancellor, attended and was examined.

MEETING.

Letter (Feb. 6) read from Messrs. J. Murland and Co., Solicitors, stating that George H. Major, of Talbot Street, Dublin, is now acting as Solicitor for the Trustees of the late Hon. and Rev. Henry Ward, deceased, and that communication should be made to him with regard to the Killinchy Schools, Co. Down.

The Assistant Secretary was directed to call on Mr. Major.

Letter (Feb. 6) read from Rev. R. Jeffreys, asking if he can be supplied with proofs of a Scheme for Armagh Presbytery as sent in the case of Belfast Presbytery.

Ordered:—That the proofs be sent as requested.

Letter (Feb. 6) read from the Secretary, Representative Church Body, enclosing letter of Mr. John Maunsell, Solicitor to that Body, as to certain Endowments mentioned in the Schedules to the Cork, Cloyne, and Ross Diocesan Scheme.

Ordered:—That the Secretary of the Representative Church Body be informed that the matter will receive the careful consideration of the Commissioners.

Letter (Feb. 4) read from Rev. Jas. Martin, enclosing proof of the proposed Scheme for the Belfast Presbytery, and asking that certain corrections may be carried out, and further proofs supplied to him.

Ordered:—That the corrections be carried out as requested, with the exception of that proposed in Clause 20 of the Scheme.

With regard to the question, whether a Scheme should be framed for the Charlton Bequest for Marriage Portions, it was decided:—

That a Draft Scheme be prepared on the basis of the average actual division which has taken place on Chanocry Order of 1877, as evidence of amount of Protestant preferential claim under the Will, being about half the Endowment.

The Commissioners adjourned.

ANTHONY TRAILL,
February 20, 1891.

Wm. Edward Ellis, Secretary.

February 11, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Letter (Feb. 11) read from the Secretaries, National Education Board, enclosing documents in relation to the Southwell School Endowment, Kinsale.

Copy of Deed relating to Glanara Parochial School, County Antrim, received from the Rev. S. F. Dudley-Janna, was submitted and read.

Communication (Feb. 10) read from the Clerk of the Privy Council, asking for the observations of the Commissioners upon an objection lodged against the Fourth Amended Scheme for the Ulster Royal Schools Endowments.

Observations were settled and ordered to be printed.

The principles of a Scheme for the Chariton Endowment were discussed.

The Commissioners adjourned.

ANTHONY TRAILL,

February 14, 1891.

Wm. Edward Ellis, Secretary.

February 13, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read :

Charles Taylor, Solicitor (Feb. 12) on behalf of the Corporation of the town of Wexford, objecting to the Draft Scheme published for the Tade School, Wexford.

Rev. Alex. Patton and Rev. Wm. Clarke (Feb. 11) on behalf of the Presbytery of Ards, objecting to the Draft Scheme published for the Bangor Endowed School.

The Secretary, Representative Church Body (Feb. 11) giving consent that Killeban School be included in the Leighlin Diocesan Scheme.

Messrs. M. Larkin and Co., Solicitors (Feb. 12) sending copy of the Will of the late Hugh Blayney.

Rev. D. Humphreys (Feb. 11) as to the Erasmus Smith's Endowments.

Letters also read from :—

Rev. James Cargin (Feb. 7) as to a Scheme for the Endowments belonging to the First Derry Presbyterian Congregation.

Rev. S. C. Mitchel, Hon. Sec., Fermanagh Protestant Committee (Feb. 6) as to the Ulster Royal Schools Scheme.

Rev. John Jackson, Clerk of the Route Presbytery, as to the Bandonagh School included in the Down and Connor and Downmore Diocesan Scheme ; as to the Sharpe Charity ; and as to the Route Presbytery Scheme.

Replies, as drafted, ordered to be sent.

Letter (Feb. 12) read from John Hill, Master of the Crofton School, Clondrohid, giving information as to his appointment as such.

The Secretary was directed to write, in terms as drafted, to the Rev. D. O'Sullivan, formerly Rector of Marazion, by whom the appointment is stated to have been made.

Letter (Feb. 11) read from Alex. Weir, Manager of the Stráid National School, included in the Scheme for the Ballymena Presbytery Endowments, with reference to the objection to the inclusion of that School in the Scheme now before the Privy Council.

Ordered :—

That Mr. Weir's letter be printed, and copies sent to the Clerk of the Privy Council, to be appended to the printed observations of the Commissioners already sent with reference to the objection.

The Commissioners adjourned.

ANTHONY TRAILL,

February 14, 1891.

Wm. Edward Ellis, Secretary.

February 14, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of the meetings of February 6, 11, and 13, read and confirmed.

Letters read:—

Charles Taylor, Solicitor (Feb. 13), asking that a certain correction be made in the objection lodged by him to the Draft Scheme for the Tate School, Wexford.

The Clerk of the Privy Council (Feb. 13), as to the date fixed for hearing the objection lodged with the Privy Council against the Scheme for the Ballymena Presbytery Endowments.

Letters also read:—

J. G. V. Porter (Oct. 13), as to the proposed Scheme for his Endowment to the Manor of Carrick National Schools, County Fermanagh.

Rev. R. Borroughs objecting to the Draft Scheme published for the Derry Parochial Schools.

Rev. George Thompson (Feb. 15), as to a Scheme for the Presbytery of Raphoe Endowments.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, in reply to letter dated February 4, from the Rev. James Martin, as to the Presbytery of Belfast Scheme, and to enclose copies of the Scheme, in proof, in the form in which the Commissioners are prepared to sanction its publication.

The principles of a Scheme for the Charlton Request for Marriage Portions were discussed, and the Secretary was directed to write, in terms as drafted, to the Commissioners of Charitable Donations and Bequests, asking if the Charlton Estate were vested in them whether they would consent to accept the trust.

The Secretary was directed to return to the Clerk of the Privy Council the original Protest lodged against the Fourth Amended Scheme for the Ulster Royal School Endowments, together with printed copies of the observations of the Commissioners, as finally approved, and also to send printed copies of the "Protest" and observations to the parties interested.

The Commissioners adjourned.

GERALD MOLLOY,
February 21, 1891.

Wm. Edward Ellis, Secretary.

February 18, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Letters read:—

Rev. D. O'Sullivan (Feb. 16), as to the appointment by him of John Hill as Master of the Crofton School, Clonsilla.

Messrs. Crawford and Lockhart, Solicitors (Feb. 16), sending Scheme for the Hugh Henry Boyd's Endowment, as agreed upon between the Belfast Town Mission and the Trustees of the Endowment.

The Most Rev. Dr. Donnelly, Lord Bishop of Clogher (Feb. 17), as to the present position of the Ulster Royal Schools Scheme.

The Secretaries, Commissioners of Charitable Donations and Bequests (Feb. 17), acknowledging receipt of letter as to vesting the Charlton Estate in that Board.

Letters also read:—

The Right Honorable Viscount de Vesci (Feb. 17), as to the Ballyroan Endowed School and the vested interests in connection with it.

Rev. Stewart Dickson (Feb. 18), as to the limit of time for applying for a Scheme for the Presbytery of Down.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD MOLLOY,
February 21, 1891.

Wm. Edward Ellis, Secretary.

February 20, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DAUGHERTY.

Minutes of the meeting of February 7 read and confirmed.

Letters read:—

Thomas Stephenson (Feb. 18), as to the Scheme for the Carysfort Royal School Endowment,
Rev. James Cargill (Feb. 18), asking that a Scheme should be prepared for the Endowments
belonging to the First Presbyterian Church, Londonderry.

J. O. V. Purser (Feb. 18), as to the Scheme for his Endowment to the Manor of Carrick
National Schools.

Rev. Thomas Head, *s.r.* (Feb. 18), as to the Scheme for the Linrick Endowment for
Technical Education.

Rev. S. Outhbert Mitchell (Feb. 19), as to whether vested National Schools can be included
in the Schedule of proposed Scheme for the Clogher Presbytery Endowments.

Replies, as drafted, ordered to be sent.

Letter (Feb. 20) read from the Secretaries, Commissioners of Charitable Donations
and Bequests, stating that that Board will require particulars of the rental of the Chariton
Estate before consenting to accept the trust of the property as proposed.

The Secretary was directed to obtain from Mr. Bond, the Receiver over the property, a
rental of the property, setting out the valuation, nature, and number of tenancies.

The Secretary was directed to write to the Registrar of the Erasmus Smith's Board, asking
for a continuation of the Balance Sheets of the income and expenditure of the Board from
the year ending May 1, 1885, to the present time; and also for an account of the total
expenditure in each year on each of the Grammar Schools.

The Draft Schemes for John Ivory's School, New Ross, and for Middleton Endowed
School, were considered, amended, and finally approved.

The Draft Scheme for the Ballyroan Endowed School was considered.

The Commissioners adjourned.

GERALD MOLLOY,
February 21, 1891.

Wm. Edward Ellis, Secretary.

February 21, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of three preceding meetings read and confirmed.

Letter (Feb. 20) read from the Secretary, Commissioners of Education in Ireland, as
to recent expenditure on the premises of Ballyroan Endowed School.

Letter (Feb. 20) read from Rev. John McClelland, Presbyterian Minister, objecting
to the inclusion of Drumlough National School in the Schedule to the Scheme for the
Parochial Schools of Down and Connor and Dromore.

Ordered:—

That a copy of Rev. Mr. McClelland's letter be sent to the Secretary of the Diocesan Council
of Down and Connor and Dromore, with a letter, as drafted.

The Commissioners adjourned.

GERALD FITZGIBBON,
February 25, 1891.

Wm. Edward Ellis, Secretary.

February 25, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.
Minutes of preceding meeting read and confirmed.

Letters read:—

William Bond, Receiver over the Charlton Estate (Feb. 25), sending Rental, &c., of that Estate.

Rev. Thomas Cox (Feb. 20), as to the Old School-house at Ramson in connection with the Sharp Bequest.

Rev. John Kingham, as to a Scheme for Endowments of the Association for the Employment of Industrious Blind, Belfast.

The Registrar, Erasmus Smith's Board (Feb. 24), sending Balance Sheets of the income and expenditure of that Board from the year 1885 to the present time; and also an account of the total expenditure in each year of that period on each of the Grammar Schools.

Letter (Feb. 23) read from the Under Secretary, Dublin Castle, enclosing copy of letter from the Lords Commissioners of Her Majesty's Treasury, in reference to the estimates for the Commission for the year 1891-92.

Reply, as drafted, ordered to be sent.

Certified copies of portions of the Wills of Rev. George Evans, 1807, and of Thomas Verner, 1788, with reference to Charities in the Parishes of Killyman and Donaghmore, in the County of Tyrone, received from the Commissioners of Charitable Donations and Bequests, were submitted.

The Secretary was directed to write, in terms as drafted, to the above Commissioners with regard to same.

Points in connection with the Draft Scheme for the Killiney Schools were discussed and settled.

The Draft Scheme for Middleton Endowed School, County Cork, was finally approved, and ordered for publication.

The Commissioners adjourned.

WILLIAM O'BRIEN,

February 27, 1891

Wm. Edward Ellis, Secretary.

February 27, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting were read and confirmed.

The following Draft Schemes were considered, finally approved, and ordered for publication:—

106. John Ivory's School, New Ross.

107. The Killiney Schools.

108. The Parochial Schools of the Diocese of Kilmore.

The Draft Scheme for the Crofton Endowments, Clondrohid, was considered, and rulings were made on certain points reserved by Dr. Traill.

The Commissioners adjourned.

GERALD FITZGIBSON,

February 28, 1891.

Wm. Edward Ellis, Secretary.

February 28, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Clerk of the Privy Council, Dublin Castle (Feb. 26), stating that objection by C. Shaddon, D.D., to Ulster Royal Schools Scheme has been withdrawn.

Rev. Li P. T. Ledoux (Feb. 25), as to Sunday School held in Killynash School Buildings.

Letters also read :—

A. Nelson, Honorary Secretary, Armagh Church Schools (Feb. 25), as to audit of accounts, &c., under Scheme.

Messrs. L'Estrange and Brett, Solicitors (Feb. 26), as to corrections to be made in the Scheme for the Belfast Library and Society for Promoting Knowledge.

Rev. John H. Thorpe (Feb. 26), as to a Supplemental Scheme for the City of Cork Parochial Schools.

E. R. Balfour, M.A. (Feb. 27), sending suggestions for a Scheme to be framed for the Leigh Charity, County Louth.

Replies, as drafted, ordered to be sent.

Letter (Feb. 27) read from Rev. A. McKinney, Presbyterian Minister, objecting to the inclusion of Donegore National School in the Schedule to the Scheme for the Dioceses of Down and Connor and Dromore.

Ordered :—

That a copy of Rev. Mr. McKinney's letter be sent to the Secretary of the Diocesan Council of Down and Connor and Dromore, with a letter as drafted.

Memorandum read from Rev. R. Burroughs, as to the first Clerical Representative Governor named in the Scheme for the Parochial Schools of the Diocese of Derry.

The Secretary was directed to write in terms, as drafted, to the Diocesan Secretary with reference to the purport of Rev. Mr. Burroughs' communication.

Letter read from Rev. Alex. H. Dill, sending observations on Rev. Henry S. O'Hara's letter, dated January 13, 1891, and in reference to the Bandooragh School included in the Schedule to the Down and Connor and Dromore Scheme.

Ordered :—

That a copy of Rev. Mr. Dill's letter and its enclosures be sent to Rev. H. S. O'Hara, with a request that he will furnish the Commissioners with any observations he may desire to make thereon.

The following Schemes were ordered to be prepared for publication, and were undertaken by the Commissioner in charge of each, respectively :—

The General Orphan Home, Dublin.
Presbytery of Connaught Endowments.
The Urith Paul Endowment.
Sharpe's Bequest, Ballyvaughan.
The Charlton Bequest for Marriage Portions.
The Parochial Schools of Diocese of Ossory
Presbytery of Ards Endowments.
Lismaboe Endowed School.

The Commissioners adjourned.

ANTHONY TRAILL,
March 3, 1891.

Wm. Edward Ellis, Secretary.

March 3, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding Meeting read and confirmed.

Letters read :—

The Clerk of the Salters Company (Feb. 25) stating that the Company will meet on March 4, to consider the Commissioners letter as to the Balmes School Scheme.

Rev. W. H. Hutchinson, M.A. (Feb. 27), sending names of first Representative Governors for the Kilmore Diocesan Scheme.

The Secretary Representative Church Body (Feb. 28), sending consent that certain Schools may be included in the Armagh Diocesan Scheme.

Charles J. Battersby (March 3), sending letters in reference to certain Schools included in the Ardagh Diocesan Scheme.

Letter (Feb. 28) read from D. DeleCherols as to the revised Scheme for the Donaghadee Free Schools.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Townsend Street Presbyterian Church Endowments, Belfast, was considered, and questions raised by Dr. Traill were reserved for a meeting of the full Commission, at which the Judicial Commissioners shall be present.

The Draft Scheme for the Preston Endowment and for the Crofton Endowments, Clondrohid, were considered, and reserved for final approval at a subsequent meeting of the full Commission.

The draft letter in answer to the letter from the Under Secretary, dated January 15, 1891, with regard to the inspection of schools under Schemes framed by the Commission, was read and considered.

The Commissioners adjourned.

GERALD MOLLOY,

March 7, 1891.

Wm. Edward Ellis, Secretary.

March 6, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Letters from Lord Justice FitzGibbon and from Professor Dougherty having been read and considered with regard to the proposed Draft Scheme for the Townsend Street Presbyterian Church Endowments, Belfast, the following minute was adopted :—

The difficulty raised by Dr. Traill about the Henry Martyn Johnston Charity is, that it does not come within the jurisdiction of the Commission. This question has not yet been considered at a full meeting of the Commission. Dr. Traill and Dr. Molloy cannot take the responsibility of ordering the Scheme to be published.

Ordered :—That a copy of the minute be sent to Lord Justice FitzGibbon and to Professor Dougherty.

The Commissioners adjourned.

GERALD MOLLOY,

March 7, 1891.

Wm. Edward Ellis, Secretary.

March 7, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

The Draft Scheme for the Southwell School Endowment, Kinsale (Supplemental), was finally approved and ordered for publication.

The Draft Scheme for the Endowments of and belonging to the Townsend Street Presbyterian Church, Belfast, was ordered to stand over till further order.

The Secretary was directed to write to the Rev. John Jackson, asking him to send an answer, as soon as possible, to the letter written to him on February 17, 1891, with reference to the Old School House at Ramona on the Sharp Foundation.

It was arranged that the Draft Schemes for the Preston Endowment and for the Crofton Endowments, Clondrohid, should be submitted for final approval on Monday next.

It was ordered that the following Draft Schemes be first published on March 9, 1891, and instructions were given as to the mode of publication:—

- No. 105.—"Midleton Endowed School, Cork."
- No. 106.—"John Ivory's School, New Ross."
- No. 107.—"The Parochial Schools of the Diocese of Kilmore."
- No. 108.—"The Killybeggy Schools."
- No. 109.—"The Southwell School Endowment, Kinsale (Supplemental Scheme)."
- No. 110.—"The Crofton Endowments, Clondrohid."
- No. 111.—"The Preston Endowment, for The Preston School, Navan, the Ballyroan Endowed School, and King's Hospital, Omsontown."

The Commissioners adjourned.

ANTHONY TRAILL,

March 9, 1891.

Wm. Edward Ellis, Secretary.

March 9, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (March 7), read from the Clerk of the Salters Company, enclosing "Consent" of the Salters Company that their Endowment for Rainey's School and for Roman Catholic education in the Town of Magherafelt shall be dealt with under the Educational Endowments (Ireland) Act, 1885.

At the request of Dr. Trill, the following memorandum drawn up by him with regard to the Draft Scheme for the Crofton Endowments, Clondrohid, was ordered to be inserted upon the minutes:—

I object to the omission, from this Scheme, of a clause directing that each child attending the School should be furnished with a Bible—in accordance with the directions of the Will of Mrs. Marcia Anastasia Crofton, and of the Chancery Scheme of 1880.

The words of the Will are—"I also give and bequeath the sum of £50 to be laid out annually for the support and the maintenance of said School, furnishing each child who attends with a Bible."

The words of the Chancery Scheme, Clause 3, are—"Each child attending the School shall, out of the funds of the Charity, be provided with a Bible, if willing to accept same, such Bible to be in the case of children, not being Roman Catholics, one of the version authorized by the Church of Ireland, and in case of children being Roman Catholics, of the Douay or other version authorized by their Church."

I also object strongly to the omission of this last clause from the recitals in the Scheme.

ANTHONY TRAILL,

March 9, 1891.

The Draft Scheme for the Crofton Endowments, Clondrohid, was finally approved and ordered for publication.

The Commissioners adjourned.

GERALD MOLLOY,

March 11, 1891.

Wm. Edward Ellis, Secretary.

March 11, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Under Secretary, Dublin Castle (March 8), acknowledging receipt of the letter from the Commissioners as to Inspection of Schools under Schemes framed by them.

Rev. W. Moore Morgan (March 10), enclosing "forms of consent" for certain Schools included in the Armagh Diocesan Scheme.

Letters also read from :—

The Secretaries, Commissioners of Charitable Donations and Bequests (March 8), as to the clause as to removal of Schools in the Draft Scheme published for Bangor Endowed School, County Down, and for the Tate School, Wexford.

The Secretaries, Commissioners of Charitable Donations and Bequests (March 10), as to the amount, &c., of the Thomas Verner and George Evans Charities, Diocese of Derry.

Rev. E. Newland (March 10), asking particulars as to the Bunrana School under the Erasmus Smith Board.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Preston Endowment was considered, and certain amendments were suggested and agreed to.

The Commissioners adjourned.

ANTHONY TRAILL,

March 13, 1891.

Wm. Edward Ellis, Secretary.

March 13, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (March 12) read from Rev. John Jackson, as to the value of the Old Ramen School-house on the Sharp foundation, and also enclosing consents for certain Schools included in the Route Presbytery Scheme.

Letters also read from :—

The Secretary, Commissioners of Education (March 11), as to the proposed Amended Scheme for the Parochial Schools of the Diocese of Meath, the Preston School, &c.

Rev. John Carroll, F.R. (March 12), as to the Irish Society Grant to Schools in Coleraine.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Preston Endowment was finally approved and ordered for publication. Letters, as drafted, to be sent to Viscount de Vesni and the Rev. Mr. Eves, with copies of this Scheme, were approved.

The Commissioners adjourned.

GERALD MOLLOY,

March 14, 1891.

Wm. Edward Ellis, Secretary.

March 14, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 2, 1891.

Wm. Edward Ellis, Secretary.

March 18, 1891.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY.

Letters read :—

Joseph J. Murphy (March 17), as to the Drumlough School included in the Schedule to the Down and Connor and Downmore Diocesan Scheme.

Edmond Flynn (March 17), as to the Cotter Charity, Mallow, Co. Cork.

Memorandum read from W. G. Brooke, M.A., as to the Charlton Bequest for Marriage Portions, which he requests should be added to his evidence.

Ordered :—

That the Memorandum be printed in the Appendix to the Commissioners Report.

Letter read from Sir William Kaye, C.B., addressed to Lord Justice FitzGibbon, as to making provision for the Inspection of Schools, and also letter from Lord Justice FitzGibbon on same subject.

A draft form of Inspection Report was submitted by the Secretary, and he was directed to complete this general form by the addition of other heads of inquiry, and to prepare special sheets to be added in the case (1), of the Royal Schools; (2), of Schools dealt with in Diocesan Schemes; and (3), of other Schools for which the Schemes contain exceptional provisions.

Draft letters to the Commissioners of National Education were prepared (1) with respect to National Schools, and (2) with respect to Intermediate Schools. These drafts to be submitted on Friday next.

WILLIAM O'BRIEN,

April 2, 1891.

Wm. Edward Ellis, Secretary.

March 20, 1891.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY.

The Draft Form of Inspection Report as completed by the Secretary was considered, amended, and ordered to be printed.

WILLIAM O'BRIEN,

April 2, 1891.

Wm. Edward Ellis, Secretary.

March 21, 1891.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY.

Letters read:—

The Secretaries, Commissioners of Charitable Donations and Bequests (March 19) as to the present account of the Masterless Charity.

Rev. R. Canon Babbington (March 19), sending name of Clerical Representative Governor, in place of Rev. Mr. Maxwell, named in the Derry Diocesan Scheme.

Rev. R. Patton (March 17), as to a Supplemental Scheme for certain Schools not included in the Ballymena Presbyterian Scheme.

Letters also read from:—

The Right Hon. Viscount de Vesel (March 18), as to the Draft Scheme published for the Preston Endowment.

C. Sheldon M.L.C. (March 23), asking when application should be made for a Scheme to deal the Elementary Schools in connection with the Congregational Union of Ireland.

Replies, as drafted, ordered to be sent.

Copies of the draft Form of Inspection, and of the draft letters (1), from Chief Secretary's Office to Commissioners of National Education as to National Schools; (2), from Chief Secretary's Office to Commissioners of National Education as to Intermediate Schools; (3), from Commission to Chief Secretary's Office as to the Ulster Royal Schools; and (4), of the Draft Circular to Governing Bodies of National Schools, as approved, were ordered to be sent to each Commissioner on Wednesday next.

WILLIAM O'BRIEN,

April 2, 1891.

Wm. Edward Ellis, Secretary.

March 25, 1891.

Stated Attendance of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY.

Letters read:—

Rev. T. Madden, C.C. (March 19), as to the Eyrescourt School, Co. Galway.

Rev. Lewis Richards (March 23), as to the use of the Dungannon Royal School premises in May next.

J. Kelso Reid, Solicitor (March 23), as to a Scheme for the Endowments belonging to the First Derry Presbyterian Congregation.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Charlton Endowment was brought up by the Secretary, and Dr. Molloy undertook to correct and have it brought before the full Commission.

A letter was read from Lord Justice FitzGibbon with regard to the business of the Commission.

WILLIAM O'BRIEN,

April 2, 1891.

Wm. Edward Ellis, Secretary.

April 1, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Rev. Dr. MOLLOY.

Letter (Mar. 31) read from J. Cleland, as to the Southwell Charity, Downpatrick.

Letter (Mar. 24) read from Sir William Kaye, C.B., asking for a report from the Commissioners upon an application made by the Rev. Dr. Steele for the approval of the Lord Lieutenant, of the appointment of Rev. Dr. Lindsey and Mr. W. N. Tetley as Assistant Masters at Portora Royal School.

The Secretary was directed to write, in terms as drafted, to the Rev. S. Cuthbert Mitchel, Honorary Secretary, Fermanagh Protestant Committee, asking certain questions with regard to the relations between Rev. Dr. Steele, Rev. Dr. Lindsey, and the Committee.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 2, 1891.

Wm. Edward Ellis, Secretary.

April 2, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Minutes of the meeting of March 14, of the Stated Attendances of March 18, March 20, March 21, and March 25, and of the preceding meeting, read and confirmed.

Letter (Mar. 24) from Sir William Kaye, C.B., read at the preceding meeting, was considered, and its further consideration was postponed to the next meeting.

A telegram, as drafted, was directed to be sent to the Rev. S. Cuthbert Mitchel, Honorary Secretary, Fermanagh Protestant Committee, asking him to send a copy of any agreement made between the Committee and the Rev. Dr. Lindsey.

Letter (Mar. 31) read from Rev. S. Cuthbert Mitchel, Honorary Secretary, Fermanagh Protestant Committee, as to changing Latin for girls from a compulsory to an optional subject in the First Schedule (Part C) of the Ulster Royal School Endowments Scheme.

A reply, as drafted, ordered to be sent.

With regard to the Inspection of Schools under Scheme framed by the Commission, the following draft form and letters were considered, amended, and finally approved :—

1. Form of Inspector's Report.
2. Letter from the Chief Secretary's Office to the Commissioners of National Education, as to the National Schools.
3. Letter from the Chief Secretary's Office to the Commissioners of National Education.
4. Circular to Governing Bodies of National Schools.
5. Memorandum from the Commissioners to the Chief Secretary, as to the Ulster Royal Schools.

The Commissioners adjourned.

WILLIAM O'BRIEN,

April 3, 1891.

Wm. Edward Ellis, Secretary.

April 3, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Minutes of preceding meeting read and confirmed.

Letter (April 2) read from Rev. S. Cutbbert Mitchel, Honorary Secretary, Fermanagh Protestant Committee, in reply to telegram directed to be sent at preceding meeting.

A reply, as drafted, to the letter of Sir William Kaye, C.B., asking for a report upon an application made by the Rev. Dr. Steele for the approval of the Lord Lieutenant to the appointment of Rev. Dr. Lindesay and Mr. W. N. Tetley, as Assistant Masters at Portora Royal School, was ordered to be sent.

A letter, as drafted, enclosing the draft forms as to the Inspection of Schools for which Schemes have been framed, and a memorandum as to the Ulster Royal School Endowments, mentioned in the preceding minutes, was directed to be sent to Sir William Kaye, C.B.

The questions reserved as to the Townsend Street Scheme were discussed, and the Secretary was directed to write, in terms as drafted, to the Rev. William Johnston, D.D., in reference to the Henry Martyn Johnston Endowment.

It was ordered that the following Draft Schemes should be included in the next batch for publication:—

Cumnaught Presbytery Endowments.
Urith Paul Endowment.
Osney Parochial Schools.
Lismore Endowed School.

The Commissioners adjourned.

GERALD MOLLOY,
April 3, 1891.

Wm. Edward Ellis, Secretary.

April 8, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Thomas Brown, F.R., Loughmore (April 5), as to the Mungret Male National School.

Rev. J. G. Barton, objecting to the Draft Scheme published for the Killynchy Schools, Co. Down.

Thomas C. Franks, Solicitor (April 4), as to a loan of £300 by Miss Davis to Rockfield Institution.

Rev. Wm. Wright (April 7), as to a Scheme for the Presbytery of Ards Endowments.

The Assistant Secretary was directed to prepare a Memorandum as to Rockfield Institution from the evidence taken by the Commissioners, and to bring up same at the next meeting.

The Commissioners adjourned.

WILLIAM O'BRIEN,
April 10, 1891.

Wm. Edward Ellis, Secretary.

April 10, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (April 8) read from Rev. Thomas Cox, as to the Sharp Bequest, Ramcan, Ballycastle.

Letters also read from:—

Rev. Wm. Johnston, D.D., as to the Henry Martyn Johnston Endowment, Belfast.

Rev. J. H. P. Gosselin (April 9), as to a School in the Parish of Kildagar, Diocese of Kilmac.

The Secretaries, Commissioners of Charitable Donations and Bequests (April 10), as to the proposed Scheme for the Charlton Bequest.

Replies, as drafted ordered to be sent.

The Memorandum as to Rockfield Institution was taken into consideration.

Ordered :—

That the Secretary write to the Rev. Canon Fleming for a statement or summary of accounts, which will give the names and heads under which the expenditure and receipts appear for the last five years; also that enquiry be made from the Commissioners of Charitable Donations and Bequests, as to the person or body in whom the property is vested; and that the whole matter be brought up again when Lord Justice FitzGibbon can be present.

The Commissioners adjourned.

WILLIAM O'BRIEN.

April 11, 1891.

Wm. Edward Ellis, Secretary.

April 11, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (April 10), read from Messrs. Cramsie and Greer, Solicitors, as to the objection of the Route Presbytery to the inclusion of Bendoonagh School in the Down and Connor and Drogheda Diocesan Scheme.

A reply, as drafted, ordered to be sent.

Dr. Molloy brought up a private letter from the Roman Catholic Curate of Eyrecourt, Co. Galway, stating that the School buildings called Eyrecourt Endowed School are in good condition, and would be available for a Male and Female School, and Teacher's Residence, all of which are badly needed.

Letter ordered to be placed in the Eyrecourt file.

The Commissioners adjourned.

GERALD FITZGIBBON.

April 15, 1891.

Wm. Edward Ellis, Secretary.

April 15, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letter (April 13), read from Messrs. Cramsie and Greer, Solicitors, as to the Bendoonagh School, Parish of Ballymoney.

The Secretary was directed to write to Mr. J. T. Maxwell, Solicitor, asking him to send as soon as possible, the result of his investigations as to the distribution of the Chariton Charity between Protestants and Roman Catholics.

Dr. Molloy undertook to bring up a report as to the Eyrecourt Endowed School.

It was ordered :—

1. That the following Draft Schemes be prepared for signature by the Judicial Commissioners :—

48. Reiney's School, Magherafelt.
49. The Ledley Endowment.
77. The Parochial Schools of Leighlin Diocese.
82. The Donaghadee Free Schools.
88. The Parochial Schools of Armagh Diocese.
95. The Parochial Schools of Clogher Diocese.
98. Hugh Henry Boyd's Endowment.
101. Brown Street Sunday and Daily Schools, Belfast.

2. That the following Draft Schemes, as revised by the Judicial Commissioners, be brought up for consideration on the under-mentioned dates—

Saturday, April 25, 1891.

- No. 85. Caryfort Royal School Endowment.
- No. 88. The Parochial Schools of the Diocese of Down, Connor, and Dromore.
- No. 90. The Diocesan Schools and Banagher Royal School Endowments.
- No. 91. The Anne Hall Endowments.
- No. 93. The Parochial Schools of Ardgagh Diocese.

Saturday, May 2, 1891.

- No. 99. The Linsceick Endowment for Technical Education.
- No. 93. The Lenny Endowment.

Saturday, May 9, 1891.

- No. 99. Bangor Endowed School.
- No. 100. The Tate School, Wexford.

3. That the Secretary write for any further necessary consents, in the following cases :—

- No. 102. The Parochial Schools of Derry Diocese.
- No. 103. The Endowments of the Bente Presbytery.
- No. 105. The Parochial Schools of the Diocese of Kildare and Achery.

The Commissioners adjourned.

GERALD MOLLOY
April 17 1891.

Wm. Edward Ellis, Secretary.

April 17, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read :—

- Charles J. Butcherby, Secretary, Diocesan Council of Ardgagh (April 15), as to sending names of Governing Body of Linsceick Endowed School.
- Rev. D. C. Abbott (April 15), as to Brownhill School, Diocese of Clogher.
- Rev. William Stuart (April 15), as to the proposed Scheme for Connought Presbytery Endowment.

Letters also read :—

- Rev. John Davidson (April 15), as to a Scheme for the Presbytery of Monaghan.
- Rev. W. M. Henry (April 15), as to a Scheme for the Presbytery of Cavan.
- Rev. George Thompson (April 15), as to a Scheme for the Presbytery of Raphoe.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGERSON,
April 18, 1891.

Wm. Edward Ellis, Secretary.

April 18, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

- Rev. William Munce (April 15), as to Scarra School, Co. Down, to be included in the Scheme for the Parochial Schools of the Diocese of Down, Connor, and Dromore.
- Venerable The Archbishop of Gloyne (April 15), as to a Scheme for the Rahon School, Mallow.

Letters also read from :—

- The Assistant Commissioners of Intermediate Education (April 17), objecting to the Draft Scheme published for Middleton Endowed School.
- Colonel Charles G. Tottenham, M.P., (April 17), objecting to the Draft Scheme published for John Ivory's School, New Ross.

Replies, as drafted, ordered to be sent.

The Draft Scheme for the Leigh Charity, was considered, amended, and finally passed.

The Draft Scheme for the Urith Paul Endowment was considered, amended, and finally passed, subject to the definition of "School District," on hearing from the following persons to whom letters, as drafted, were directed to be sent :—Rev. Francis Le Hunte, Rev. Percival W. Weldon, and Mr. Joseph W. Deane.

The Draft Scheme for the Townsend Street Presbyterian Congregational Endowments was considered and passed, and it was agreed that the Henry Mariyn Johnston Endowment be included in the Scheme.

The Draft Scheme for the Catholic University School of Medicine was considered and amended.

The Commissioners adjourned.

WILLIAM O'BRIEN,
April 23, 1891.

Wm. Edward Ellis, Secretary.

April 23, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.
Minutes of preceding meeting read and confirmed.

Letters read :—

The Secretary, Commissioners of Education (April 18), objecting to Draft Scheme published for Middleton Endowed School.

The Right Rev. Dr. Gregg, Lord Bishop of Cork (April 20), enclosing objection of the existing trustees to the Draft Scheme published for Middleton Endowed School.

Rev. Michael Ahern, *r.c.* (April 21), objecting to the Draft Scheme published for the Crofton Endowments, Clondrohid.

Rev. W. F. Wilkinson (April 20), as to the Cavan Royal School Exhibitions.

Replies, as drafted, ordered to be sent.

Letter (April 20), read from Thomas Kough, Secretary, Diocesan Council of Ossory, stating that the Council will not meet till June next.

The Commissioners adjourned.

ANTHONY TRAILL,
April 24, 1891.

Wm. Edward Ellis, Secretary.

April 24, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :

Joseph W. Deane, }
Rev. Francis Le Hunte, } As to the Urith Paul Endowment.

Messrs. Maxwell, Weldon, and Co. (April 24), sending a return as to the distribution of the Charlton Bequest between Protestants and Roman Catholics.

Messrs. Kelly and Lloyd (April 23), objecting on behalf of Mr. Joseph Atkinson to the inclusion of Teagay School in Arundel Diocesan Scheme.

Letter (April 23), read from John C. Foulden, Secretary, Diocesan Council of Ferns, as to the Scheme for the Tado School, Wexford.

The Draft Scheme for the Endowments of and belonging to congregations under the care of the Presbytery of Connought was considered, and finally passed.

The Commissioners adjourned.

GERALD FITZGERDON,
April 25, 1891.

Wm. Edward Ellis, Secretary.

April 25, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. Percival S. Weldon (April 24), as to the Urith Poul Endowment.
N. Hone Dyns (April 24), as to the Linsabee Endowed School.

Letters also read from:—

Rev. S. Cuthbert Mitchell (April 25), as to the Porters Royal School premises, Ennisticken.
The Secretaries, Commissioners of Charitable Donations and Bequests (April 23), as to the Scheme for Bishop Hodson's Grammar School.

Replica, as drafted, ordered to be sent.

Communication (April 20), read from the Clerk of the Privy Council, enclosing petition lodged by twenty-one inhabitants of the parish of St. George, Dublin, praying that the Phiborough Schools Scheme be laid before Parliament; and asking for the Commissioners' observations thereon.

The observations as drawn up by the Commissioners directed to be sent to the Clerk of the Privy Council.

The Draft Scheme for the Leigh Charity, Co. Louth, was reconsidered and a letter, as drafted, was directed to be sent to Mr. E. R. Balfour, D.L., with reference to the constitution of the Governing Body under the Scheme.

The following Draft Schemes were approved and ordered for publication on April 30:

No. 112.—The Endowments of and belonging to Townsend Street Presbyterian Church, and "The Henry Martyn Johnston Charity" in the City of Belfast.

No. 113.—The Urith Poul Endowment.

No. 115.—The Endowments of and belonging to Congregations under the care of the Presbytery of Connaught.

No. 116.—The Endowments of and belonging to Congregations under the care of the Presbytery of Ards.

It was arranged:—

That questions regarding the following Schemes should be discussed on the dates mentioned:—

Saturday, May 2, 1891.

The Charles Bequest for Marriage Portions.

Saturday, May 9, 1891.

Episcopus Smith's Endowments.

The Commissioners adjourned.

GERALD FITZGIBSON,

April 29, 1891

Wm. Edward Ellis, Secretary.

April 29, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Secretaries, Commissioners of Charitable Donations and Bequests (April 28), as to the future "Alteration of Schemes by that Board."

Rev. Thomas Cox (April 28), sending original Minute Book of the Vestry of Ramonn Parish.

Blayney R. Balfour, D.L. (April 27), as to the proposed Governing Body for the Leigh Charity.

Objections and Amendments received from the undermentioned persons to the following Schemes were submitted and read:—

No. 105. Middleton Endowed School.

Rev. George Salmon, D.D., Provost of Trinity College, Dublin (Ap. 2).

No. 107. Killynashy Schools.

Rev. Li. Paul T. Ledoux, M.A., formerly Rector of Killynashy (Ap. 27).

No. 111. The Preston Endowment.

The Secretary, Commissioners of Education (Ap. 25).

Rev. J. Stewart Hickey, M.A. (Ap. 27), on behalf of the Diocesan Council of Leighlin.

Letters also read from:—

Rev. T. B. Graham (Ap. 28), as to a Scheme for the Endowments of the Presbytery of Comber.

Messrs. L'Estrange and Brett (Ap. 27), as to the present position of the Belfast Library Scheme.

Rev. William McDowell (Ap. 28), as to the Cavan Protestant Local Board constituted by the Ulster Royal Schools Scheme.

Replies, as drafted, ordered to be sent.

A discussion as to the future working of the Ulster Royal School Endowments Scheme having taken place, Dr. Molloy undertook to bring up a draft circular as to convening the Local Boards immediately after the Scheme comes into operation.

The Draft Scheme for the Lisnabee Endowed School was considered and finally passed. It was ordered that the following Draft Schemes be first published on April 30:—

No. 112.—The Endowments of and belonging to "Townsend Street Presbyterian Church" the "Henry Martyn Johnston Charity" in the City of Belfast.

No. 113.—"The Urith Paul Endowment," in the County of Wexford.

No. 114.—"The Lisnabee Endowed School," in the County of Longford.

No. 115.—"The Endowments of and belonging to Congregations under the care of the Presbytery of Connanght."

No. 116.—"The Endowments of and belonging to Congregations under the care of the Presbytery of Arda."

No. 117.—"The Leigh Charity, in the County of Louth."

Instructions were given as to the mode of publication.

The Commissioners adjourned.

J. B. DOUGHERTY,

May 1, 1891.

Wm. Edward Ellis, Secretary.

May 1, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRILLI, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Right Honorable Viscount de Vesel (April 29), enclosing copy of Resolutions, passed at a Public Meeting at Abbeyfeix, objecting to the Draft Scheme published for the Preston Endowment.

Ven. the Archbishop of Derry (April 30), as to the Draft Scheme published for the Parochial Schools of the Diocese of Dublin.

Joseph W. Deane (April 30), as to the Urith Paul Endowment.

Rev. Brabazon T. Dinan (April 30), as to the Resolutions passed at the Public Meeting at Abbeyfeix in reference to the Scheme for the Preston Endowment.

Rev. W. Moore Morgan, M.A. (April 30), as to the Armagh Diocesan School Scheme.

Dr. Molloy brought up a draft circular as to convening the Local Boards constituted by the Ulster Royal Schools Scheme, and its farther consideration was adjourned to a meeting at which all the Commissioners will be present.

The Commissioners adjourned.

GERALD FITZGERSON,

May 2, 1891.

Wm. Edward Ellis, Secretary.

May 2, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Right Honorable Viscount de Vesel (May 1), as to the estimated annual income from the Preston Endowment.

Rev. S. G. Cotton (May 1), as to the General Orphan Home Endowments.

Replies, as drafted, ordered to be sent.

Questions and documents with reference to the following Endowments were considered, and the lines on which Draft Schemes should be prepared were decided :—

The Charlton Bequest for Marriage Portions.

The Sharp Bequest, Ramoon, Ballycastle.

The Commissioners adjourned.

GERALD FITZGIBSON,

May 5, 1891.

Wm. Edward Ellis, Secretary.

May 6, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY.

Minutes of preceding meeting read and confirmed.

Letters read :—

The Clerk of the Privy Council, Dublin Castle (May 4), stating that the Scheme for the Philaborough Sunday and Daily Schools has been laid before both Houses of Parliament.

The Secretaries, Commissioners of Charitable Donations and Bequests (May 4), stating that that Board will not accept a transfer of the land constituting the Charlton Bequest for Marriage Portions.

The Secretary, Representative Church Body (May 4), sending "consent" as to the Parochial Schools of the Diocese of Kilmore.

Letters also read :—

Rev. F. S. Atkinson (May 5), withdrawing his consent to the inclusion of Innishmore School in the Kilmore Diocesan Scheme.

Rev. Thomas Armstrong (May 5), asking if it be necessary to obtain the consent of all the trustees in whom property may be vested, that same may be dealt with in the Cownagh Presbyterian Scheme.

Replies, as drafted, ordered to be sent.

Questions with regard to the Charlton Bequest for Marriage Portions were further considered.

The Commissioners adjourned.

WILLIAM O'BRIEN,

May 8, 1891.

Wm. Edward Ellis, Secretary.

May 8, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

R. B. Balfour, D.L. (May 6) as to the Scheme published for the Leigh Charity.

Rev. Thomas H. Fleming (May 6) sends statement of accounts for last five years as to the Rockfield Institution, Co. Galway.

Letters also read from:—

Rev. George T. Cooper (May 5) as to a Scheme for the Endowments of the Presbytery of Rathfriland.

Richard Love, as to the Scheme for the Ulster Royal Schools and its working.

Replies, as drafted, ordered to be sent.

Objections and Amendments to Draft Schemes from the undermentioned persons were submitted:—

No. 105. *Middleton Endowed School.*

Rev. H. Kingmill Moore, M.A. (May 8), on behalf of the Standing Committee of the General Synod.

No. 107. *The Killynchy Schools.*

The Presbyterian members of the Committee of the Schools (May 6).

Rev. H. Kingmill Moore, M.A. (May 8), on behalf of the Standing Committee of the General Synod.

No. 109. *Southwell School Endowment, Kinsale.*

(Supplemental Scheme.)

Rev. John Canon Cotter, F.R., Kinsale (May 5).

No. 110. *The Crofton Endowment, Clondrakid.*

C. W. Osburne (May 7), on behalf of Mr. Crofton.

Rev. H. Kingmill Moore, M.A. (May 8), on behalf of the Standing Committee of the General Synod.

No. 111. *The Preston Endowment.*

Rev. H. Kingmill Moore, M.A. (May 8), on behalf of the Standing Committee of the General Synod.

Rev. B. T. Disney (May 5), on behalf of the Registered Vestrymen of the Union of Abbeyleix.

Rev. J. Whyte Fisher (May 6), on behalf of the Select Vestry of Clonenagh Parish.

H. Turpin, Solicitor (May 7), on behalf of the Protestant population of Maryborough and surrounding district.

No. 115. *Presbytery of Connaught Endowments.*

Rev. Wm. Stuart, Clerk of Presbytery (May 6).

The Commissioners adjourned.

GERALD FITZGIBBON,

May 13, 1891.

Wm. Edward Ellis,

Secretary

May 9, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Objections and Amendments to Draft Schemes from the undermentioned persons were submitted:—

No. 107. *The Killinckey Schools.*

Rev. David B. Moore (May 8), on behalf of the Presbyterian members of the School Committee.

No. 110. *The Crofton Endowments, Clondrohid.*

Right Rev. Robert Gregg, D.D., Lord Bishop of Cork (May 8).

Rev. J. Querry Connolly, on behalf of the Select Vestry of Macroom.

No. 111. *The Preston Endowment.*

Rev. R. Armstrong, D.D. (May 8), on behalf of parishioners of Stradhall's Parish.

John Loftus Bland, M.L. (May 8), as representative of Protestant tenants on the Preston Estate.

Rev. Joseph Terrans (May 8), on behalf of the Select Vestry of the Parish of Coolhanagher.

Rev. William J. Wallace (May 8), on behalf of the Select Vestry of the Parish of Mountmellick.

Rev. E. A. Brandon (May 8), on behalf of the Select Vestry of Timahoe.

No. 115. *Presbytery of Connaught Endowments.*

Rev. David Wark, M.A., Westport.

The Commissioners fixed a public sitting, to be held in Ballyroan School-house, on Saturday, June 20, at 11.30 o'clock, A.M., to consider the objections and amendments received to the Draft Scheme published for the Preston Endowment; they also arranged to visit Maryborough at 9.45, A.M., and Abbeyleix, after the sitting at Ballyroan, in order to ascertain the local provision for education in these places. Notice of the sitting to be sent to all parties interested.

The case of the Endowments of the Erasmus Smith Schools was discussed, and the following rulings were made with regard to the preparation of the Draft Scheme:—

1. That the question as to funds administered in connection with Trinity College, Dublin, be postponed until information be obtained as to the details of the expenditure.
2. That the portion of the Endowments hitherto expended upon the English Schools shall no longer be so applied, subject to any vested interest that may, in the opinion of the Commissioners, exist, and to any special circumstances affecting any particular school.
3. That the portion of the Endowments hitherto applied for the education and maintenance of boys placed by the Governors at King's Hospital, under the agreement referred to in the Act of 10th Geo. I., c. 27, shall be dealt with by the Commission.
4. That *ex-officio* Governors need not necessarily be excluded from the new Governing Body. The question of retaining them being left for discussion when the heads of the Scheme come before the Commission.
5. That the existing Governors other than *ex-officio* be continued, subject to a provision similar to that in the Ulster Royal Schools Scheme, as to continuing Commissioners.

The Secretary was directed to write to the Registrar of the Erasmus Smith Board, asking for a return of number of meetings of Board and Standing Committee, and attendance of each Governor, in the years 1886 to 1890 inclusive.

The Commissioners adjourned.

GERALD FITZGERBON,

May 13, 1891.

Wm. Edward Ellis, Secretary

May 13, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

Letters read :—

The Secretary, Charity Commission, England (May 9), sending a copy of the Scheme for Christ's Hospital, London.

Right Hon. Viscount de Vesi (May 9), enclosing memorial of the residents of Abboyleix, Ballyroan and district, against the Draft Scheme published for the Preston Endowment.

Rev. A. Wilson (May 6), as to the Draft Scheme published for the Killiney Schools, Co. Down.

Messrs. Cronin and Greer (May 11), enclosing declarations made by Rev. James O'Hara, M.A., and Rev. H. S. O'Hara, M.A., with reference to Bendooragh School.

Rev. R. Wallace (May 2), as to placing schools under a Scheme when finally approved.

Letter (May 8) read from the Clerk of the Privy Council, Dublin Castle, asking for a complete list of those institutions which would appear entitled to be consulted as to the appointment of Inspectors, in order that a communication may be addressed to them on the subject.

The Secretary was directed to prepare a list and bring it up for consideration at the meeting on Friday next.

The Commissioners adjourned.

GERALD MOLLOY,

May 15, 1891.

Wm. Edward Ellis, Secretary.

May 15, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Letters read :—

Alex. Morrison and Robert Anderson, Churchwardens (May 12), objecting to certain buildings attached to the Rathmore National School being included in the Schedule to the Ardsley Diocesan Scheme.

The Secretaries, Commissioners of Charitable Donations and Bequests (May 12), as to the Killough and Ballyvaughan Schools (Judge Ward's Charity).

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGERSON,

May 16, 1891.

Wm. Edward Ellis, Secretary.

May 16, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (May 15) read from F. M. Steele, Secretary, Strabane Academy, asking that the original Trust Deed of the Academy may be returned.

Ordered :—That the Deed be returned as requested.

A letter as drafted in reply to the letter dated May 8, from the Clerk of the Privy Council, as to the appointment of Inspectors, was directed to be sent, together with a list of Institutions, the Governing Bodies of which may be consulted as to such appointments.

The heads of a Scheme for the Charleville Endowment were discussed and agreed to.

The Commissioners adjourned.

GERALD FITZGERSON,

May 20, 1891.

Wm. Edward Ellis, Secretary.

May 20, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Richard Lowe (May 19), as to the Scheme for the Ulster Royal School Endowments.
Rev. H. Kinganill Moore, M.A. (May 19), asking if any time has been fixed to hear
objections to the Draft Schemes published on March 9, 1891.
Rev. J. Bingham, M.A. (May 15), as to a Scheme for Dundonald Congregational Endow-
ments, Presbytery of Coleraine.

Replies, as drafted, ordered to be sent.

The draft circular as to convening the Local Boards constituted by the Ulster Royal
Schools Scheme, was approved and ordered to be printed.

The Commissioners adjourned.

GERALD FITZGERSON,

May 22, 1891.

Wm. Edward Ellis, Secretary.

May 22, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

B. F. Stevens, on behalf of the Hon. Commissioner of Education, Washington, D.C. (May
19), asking for copy of Commissioners' last Annual Report.
Rev. W. Todd Martin, M.A. (May 20), asking for a list of the Schemes, either in progress
or issued, for Endowments connected with the Presbyteries of the Irish Presbyterian Church.

Replies, as drafted, ordered to be sent.

A letter, as drafted, was directed to be sent to Messrs. Kelly and Lloyd, Solicitors, as
to their objection on behalf of J. Atkinson, Esq., to the inclusion of Teagay School in the
Armagh Diocesan Scheme.

Letter (May 21) read from Sir W. S. B. Kaye, G.B., as to the issuing of a circular to the
Local Boards announcing the final approval of the Ulster Royal Schools Scheme.

The Secretary submitted the circular in print, and he was directed to send copy of same as
amended to each member of the Local Boards constituted under the Scheme.

The Commissioners adjourned.

ANTHONY TRAILL,

May 23, 1891.

Wm. Edward Ellis, Secretary.

May 23, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

H. B. O'Kearney, Solicitor (May 22), as to the grant of £40 Irish, out of the Earl of Cork's
Estate, for Intermediate Education in Charleville.

The Registrar, Erasmus Smith's Board (May 23), enclosing a return of number of Meetings
of Board and Standing Committee, and attendances of each Governor, in the years 1886-1890,
inclusive.

Letters also read :—

David W. Shaw, Secretary, Anahilt Endowed School (May 22), asking that the original minute book lodged with the Commissioners be returned to him.

Rev. B. McMorris (May 22), asking if an application for a Scheme dealing with the Endowments of the Presbytery of Lettekeny would be in time if made next July.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, to the Very Rev. J. Canon Rice, P.P., Charleville, to whom the grant of £40 Irish, out of the Earl of Cork's Estate, is paid, asking him to be good enough to inform the Commissioners how same has been applied since the death of Mr. Cronin, the late Schoolmaster of Charleville Endowed School.

With reference to the Supplemental Scheme published for the Southwell School Endowment, Kinsale, and the negotiations pending with the Commissioners of National Education, the Secretary was directed to write in terms as drafted to the Rev. J. Lindsay Darling, and the Very Rev. J. Canon Coster.

The Draft Schemes for the Belfast Natural History and Philosophical Society, and for the Endowments of the Presbytery of Cavan, were considered.

The Commissioners adjourned.

GERALD FITZGERSON,

May 27, 1891.

Wm. Edward Ellis, Secretary.

May 26, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Belfast Natural History and Philosophical Society, was further considered and finally approved.

The Commissioners adjourned.

GERALD FITZGERSON,

May 29, 1891.

Wm. Edward Ellis, Secretary.

May 29, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Rev. Dr. MOLLOY, Dr. TRAILL,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Questions as to the arrangements for Audit of Accounts, under the Schemes framed by the Commission, were discussed.

The Secretary was directed to write, in terms as drafted, to Mr. John H. Nunn, Mr. Graves S. Eves, and Mr. Herbert B. Colthart, asking them if they would allow their names to be inserted as members of the Governing Body of the General Orphan Home Endowments.

The following Draft Schemes were considered, amended, and finally approved :—

John Sharp's Endowment.

The General Orphan Home Endowments.

Tyrone Presbytery Endowments.

Cavan Presbytery Endowments.

The following Draft Schemes were ordered for first publication on Saturday May, 30 :—
 No. 118.—The Belfast Natural History and Philosophical Society.
 No. 119.—The Endowments of and belonging to Congregations under the care of the Presbytery of Cavan.
 No. 120.—The Endowments of and belonging to Congregations under the care of the Presbytery of Tyrone.
 No. 121.—The General Orphan Home Endowments.
 No. 122.—John Sharp's Endowment, Ballycastle, County Antrim.

Instructions were given as to the mode of publication.

The Commissioners adjourned.

J. B. DOUGHERTY

June 1, 1891.

Wm. Edward Ellis, Secretary.

June 1, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERDON, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Herbert B. Colthurst (May 29), stating he will act as a member of the proposed Governing Body for the General Orphan Home Endowments.

John H. Nunn (May 29), stating he will act as a member of the proposed Governing Body for the General Orphan Endowments.

Rev. J. Canon Rice (May 29), as to the Earl of Cork's grant for Intermediate Education in Charleville.

Rev. S. Colthbert Mitchel (May 29), enclosing particulars for a Scheme for the Presbytery of Clogher.

Rev. S. Colthbert Mitchel (May 30), as to the election of a "Commissioner of Education" by the Fermanagh Protestant Local Board, under the Ulster Royal Schools Scheme.

Letter (May 29) read from Charles Taylor, Solicitor to the Wexford Corporation, asking when the Commissioners will consider the objections lodged to the Draft Scheme published for the Tale School.

Reply, as drafted, ordered to be sent.

The Secretary was directed to write to Messrs. Cramsie & Greer, Solicitors, enclosing copy of Lease made by Charles O'Hara, Esq., to certain Trustees named therein for the purposes of Bendooragh School, and to say that the claim that it is a part of the private property of the Rev. James O'Hara cannot be maintained.

It was ordered that the objections and amendments received to the Draft Scheme published for the Preston Endowment, should be printed and copies sent to each Commissioner, and to all parties interested.

The Commissioners fixed a Public Sitting, to be held on Monday, June 29, at Eyre-court, with reference to the Eyre-court Endowed School. Notice of the Sitting was directed to be sent to all parties interested.

The Commissioners adjourned.

ANTHONY TRAILL,

June 6, 1891.

Wm. Edward Ellis, Secretary.

June 6, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERDON, Mr. Justice O'BRIEN, Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

B. F. Stevens, on behalf of the Hon. Commissioner of Education, Washington (June 4), acknowledging receipt of the copies of the Annual Reports of the Commissioners.

Rev. W. Moore Morgan, LL.D. (June 3), sending consent for Derryceery School, Diocese of Armagh.

Letters also read :—

Sir W. S. B. Kaye, c.s., Dublin Castle (June 2), asking for list of Elementary Schools to be inspected by the Inspectors of the National Education Board.

Rev. W. H. James (June 2), as to Teaghy School, Diocese of Armagh.

Rev. Thomas Jordan, p.p. (June 4), as to the Scheme for Rainey's School, Magherafelt.

Rev. J. Lindsay Darling (June 2), as to the Supplemental Scheme for the Southwell School Endowment, Kinsale.

Replies, as drafted, ordered to be sent.

Letter (June 4) read from the Secretary, Local Government Board for Ireland, as to the audit of accounts of the former Trustees of Gwyn's Charitable Institution, and of Joseph Young's Endowment, Londonderry.

The Secretary was directed to write, in terms as drafted, to Sir Edward Reid, Secretary of the Trustees of Gwyn's Charitable Institution, asking him if the audit has taken place, and if so that he will oblige by furnishing an abstract of each of the accounts.

The Commissioners adjourned.

WILLIAM O'BRIEN,
June 10, 1891.

Wm. Edward Ellis, Secretary.

June, 10, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Very Rev. J. Canon Oetler (June 6), as to the Supplemental Scheme for the Southwell School Endowment, Kinsale.

Rev. Robert Meares (June 6), sending corrections for Schedule to Tyrone Presbytery Scheme.

Rev. J. P. H. Gosell (June 7), stating that the Portloughfield National School cannot be included in the Kilmora Diocesan Scheme.

Rev. J. G. Burton (June 7), wanting a copy of the evidence taken at Killinchy.

Messrs. Crane and Greer, Solicitors (June 8), as to the Bendooragh School.

Letter (June 9) read from Rev. Thomas Browne, p.p., Loughmore, Limerick, as to the Mungret Female National School.

A reply, as drafted, ordered to be sent.

The Commissioners adjourned.

J. B. DOUGHERTY,
June 12, 1891.

Wm. Edward Ellis, Secretary.

June 12, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERSON, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. J. Lindsay Darling (June 9), as to the Supplemental Scheme for the Southwell School Endowment, Kinsale.

John C. Bunton (June 10), objecting on behalf of the Ferns Diocesan Council to the Draft Scheme published for the Urith Pual Endowment.

Ven. the Archbishop of Armagh (June 10), objecting on behalf of the Armagh Diocesan Council to the Draft Scheme published for the Leigh Charity.

Major Robert Cooky (June 9), stating that he will not be able to attend the Public Sitting at Abbeyfeix on the 20th inst.

Letters also read :—

Wm. Paul (June 10), as to clause 54 of the Ulster Royal Schools Scheme.

Samuel Donald (June 10), sending copy of Accounts of the Gwyn's Charitable Institution, and of Joseph Young's Charity, Londonderry, as audited by him, and asking as to his remuneration for same.

Replies, as drafted, ordered to be sent.

It was ordered that the following Schemes be prepared for signature by the Judicial Commissioners:—

48. Bainsy School, Magherafelt (Amended).
63. The Ledlay School Endowment, Ballynasree.
77. The Parochial Schools of the Diocese of Leighlin.
82. The Donaghadee Free Schools.
93. Hugh Henry Boyd's Endowment, Belfast.
101. The Brown Street Sunday and Daily Schools, Belfast.

The Commissioners adjourned.

GERALD FITZGERSON,

June 13, 1891.

Wm. Edward Ellis, Secretary.

June 13, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letter (June 10) read from Rev. T. H. M. Scott, as to a Scheme for the Ballydoon School.

A reply, as drafted, ordered to be sent.

The Secretary was directed to write in terms as drafted, to the Clerk of the Ards Presbytery, as to bringing in as many Endowments as possible before the Scheme is signed by the Judicial Commissioners.

A letter, as drafted, was directed to be sent to the Rev. J. G. Burton, as to the documents lent by the Rev. Mr. Ledoux to the Commissioners which the Rev. Mr. Burton requires to be sent to himself.

The Commissioners adjourned.

WILLIAM O'BRIEN,

June 17, 1891.

Wm. Edward Ellis, Secretary.

June 17, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

The Secretary, Commissioners of Education (June 13), as to his attending the Public Sitting at Abbeyfeix, in reference to the Draft Scheme published for the Preston Endowment.

John H. Atkinson (June 15), as to the visit of the Commissioners to Maryborough, on Saturday, June 20.

The Clerk of the Privy Council, Dublin Castle (June 15), giving names of the new Commissioners of Education, appointed by the Lord Lieutenant under the Under Royal Schools Scheme.

Rev. Joseph Corkery, M.A. (June 15), as to a Scheme for the Endowments of and belonging to Congregations under the care of the Presbytery of Glendarmot.

Rev. H. B. Wilson, M.A., addressed to Professor Dougherty, as to the Tyrone Presbytery Scheme.

The Commissioners adjourned.

GERALD MOLLOY,

June 26, 1891.

Wm. Edward Ellis, Secretary.

June 19, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read :—

The Most Rev. Dr. McGennis, Lord Bishop of Kilmore (June 15), as to the election of a Commissioner of Education by the Cavan Roman Catholic Local Board,
Richard Lova (June 15), as to the election of a Commissioner of Education by the Tyrone Protestant Local Board.

The Secretary was directed to transmit the above letters to the Commissioners of Education, and to inform the writers of the fact.

A letter, as drafted, was directed to be sent to the Secretaries, Commissioners of Charitable Donations and Bequests, drawing their attention to the Draft Scheme published for the General Orphan Home Endowments, Dublin, and asking if their Commissioners would allow the house property mentioned therein to be vested in them.

The Draft Scheme for the Charleville Endowment, Co. Cork, was considered, amended and passed.

The Secretary was directed to write, in terms as drafted, to the Assistant Commissioners of Intermediate Education, sending them a confidential draft of the Scheme, and asking if their Board would see any objection to undertake the distribution of this Endowment in the manner proposed.

The Commissioners adjourned.

GERALD MOLLOY,
June 25, 1891.

Wm. Edward Ellis, Secretary.

June 20, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Ballyroan Endowed School.

Present :—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. Charles Ryan, Shorthand Writer, was in attendance.

No. III. THE PRESTON ENDOWMENT. (OBJECTIONS.)

The following persons and bodies were represented as under, or appeared in person :—

The Inhabitants of Abbeyfeix, by Right Hon. Viscount de Vesci and O'Connell Fitzsimon, Solicitor.

The Vestry of Abbeyfeix, by Samuel Leigh.

Rev. B. T. Disney.

The Inhabitants (Protestant) of Maryborough, by Horace Turpin, Solicitor.

The Leighlin Diocesan Council, by Ven. Archbishop of Leighlin, Clayton Brown, D.D., and R. Macnamara, Solicitor.

The Protestant Parishioners of Stradbally, by Rev. R. Armstrong.

The Select Vestry of Coolmanagher, by Rev. R. Torrens.

The Inhabitants of Ballyroan, by R. Tobin, Solicitor, and E. W. Burke.

Very Rev. A. Phelan, P.P., Maryborough.

Lord Justice FitzGibbon made an introductory statement.

The following witnesses were examined, having been sworn on a previous occasion :—

Viscount de Vesci.

James McMahon.

Rev. Edmund I. Evans, M.A.

Very Rev. A. Phelan, P.P., V.G.

Dr. Jacob.

The following witnesses were sworn and examined:—

C. A. Bury, Head Master, Ballyroan School.
William Jessop.
William Delany.
Samuel Leigh, D.D.
Rev. B. T. Disney.
E. W. Burke.
O'Connell Fitzsimon.
Scally W. Swan.
James Walsh.
Rev. Henry Paul.
Horsee Turpin.
Rev. J. Torrens.

The following made statements:—

R. Malcomson.
Ven. Archdeacon Jameson.
Rev. R. Jameson.
J. D. Rowe.

The Commissioners adjourned.

Previous to the inquiry the Commissioners visited proposed sites for a School at Maryborough, and after the inquiry the Commissioners visited proposed sites for a School in Abbeyleix.

J. R. DOUGHERTY,

July 4, 1891.

N. D. Murphy, Assistant Secretary.

June 23, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsieur MOLLOY, Professor DOUGHERTY.

Letter (June 18) read from the Very Rev. Charles M'Glynn, as to the election of a Commissioner of Education by the Donegal Roman Catholic Local Board.

The Secretary was directed to transmit the above letter to the Commissioners of Education, and to inform the Rev. Mr. M'Glynn of the fact.

Suggestions as to the re-constitution of the Governing Body of the Erasmus Smith's Endowments were considered and ordered to be brought up at the meeting on Friday next.

The Draft Scheme for the Endowments of and belonging to Congregations under the care of the Presbytery of Clogher, was considered, amended, and passed.

The Commissioners adjourned.

GERALD MOLLOY.

June 26, 1891.

Wm. Edward Ellis, Secretary.

June 24, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Letters read:—

The Very Rev. Michael Fitzpatrick, D.D. (June 23), as to the election of a Commissioner of Education by the Cavan Roman Catholic Local Board.

Rev. John A. Bain (June 23), as to the election of a Commissioner of Education by the Donegal Protestant Local Board.

B. R. Balfour (June 20), as to the Recitals in the Draft Scheme published for the Leigh Charity.

Objections to Draft Schemes from the following persons were submitted:—

No. 112. *The Urith Paul Endowment.*

Rev. John Alexander (June 23), on behalf of the Ferns Diocesan Board of Education.

No. 121. *The General Orphan Home Endowment.*

Rev. S. G. Cotton, M.A. (June 17).

Rev. Robert Walsh, D.D. (June 19).

Rev. Robert Walsh, D.D. (June 19), on behalf of the Protestant Orphan Refuge Society

The Memorandum to accompany the Draft Scheme for the Charlton Endowment for Marriage Portions was further considered and amended, and the Secretary was directed to have copies in the amended form for consideration at the meeting on Friday next.

The Secretary was also directed to write to the several bodies who will have representatives on the Local Committees to be constituted by the Scheme, asking them to send the names of suitable persons to be named in the Scheme as first representatives.

The Commissioners adjourned

GERALD MOLLOY,
June 26, 1891.

Wm. Edward Ellis, Secretary.

June 26, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meetings of June 17, June 19, June 23, and June 24, read and confirmed.

Letters read:—

Rev. A. J. Wilson (June 20), as to the proposed Scheme for the Endowments belonging to Congregations under the care of the Presbytery of Belfast.

Robert F. Martin, Solicitor (June 24), asking that the time for sending in Objections to the Townsend Street Presbyterian Congregation Scheme be extended.

Rev. John H. Thorpe, Hon. Sec. City of Cork Church School Board (June 23), as to a Supplemental Scheme for the City of Cork Parochial Schools.

Samuel Leigh (June 24), enclosing letter from Rev. J. Lalor, F.R., Abbeyfeix, addressed to him, as to the Scheme for the Preston Endowment.

Miss A. O'Brien, Hon. Sec. Association of Irish Schoolmistresses (June 18), as to any provision for the Education of Women in the Schemes framed by the Commission.

Right Hon. The Earl of Carysfort (June 23), as to the Carysfort Royal School Endowment.

Replies, as drafted, ordered to be sent.

A letter, as drafted, was directed to be sent to the Rev. S. G. Cotton, in reply to his letter of the 17th instant, asking for an interview with the Commissioners, in reference to the General Orphan Home Endowments.

The Secretary was directed to write, in terms as drafted, to the Most Rev. Dr. Nulty, Lord Bishop of Meath, the Most Rev. Dr. Woodlock, Lord Bishop of Ardagh; the Secretary, Meath Diocesan Council; the Secretary, Ardagh Diocesan Council; the Clerks of the Unions of Kells, Navas, Trim, Longford, Granard, and Ballymahon; asking for names of persons from whom the Commissioners would select those to be named in the Scheme for the Charlton Charity, as members of the several Local Committees.

The Secretary was directed to write, in terms as drafted, to the several persons proposed to be named in the Draft Scheme for the Catholic University School of Medicine, as Visitors and as Governors, asking if they consent to act. The Secretary was also directed to write to the Registrar of the School asking for the names of the three first representatives of the Medical Faculty on the Board of Governors.

Principles upon which it was proposed to deal with the application of the Erasmus Smith's Endowments were discussed, and directions were given that those should be submitted in writing, to a future meeting of the Commission, copies to be sent to the Commissioners.

The Commissioners adjourned.

ANTHONY TRAILL,
July 3, 1891.

Wm. Edward Ellis, Secretary.

June 27, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read :—

T. T. L. Overend, Solicitor (June 25), on behalf of existing Trustees, as to the Draft Scheme for Urith Paul Endowment.

Rev. Thomas Jordan, M.A. (June 26), as to Rainey Schools Scheme.

The Assistant Commissioners of Intermediate Education (June 25), as to the proposed Scheme for the Charleville Endowment.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

ANTHONY TRAILL,
July 3, 1891.

Wm. Edward Killa, Secretary.

June 29, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Objections to Draft Schemes from the following persons were submitted :—

No. 113.—*The Urith Paul Endowment.*

Rev. P. S. Weldon.

No. 114.—*The Lismacoe Endowed School.*

Rev. George B. Peyton.

Letters read :—

Rev. W. Moore Morgan, M.A. (June 27), sending consent as to Gortgonde School, Diocese of Armagh.

H. Stoney, A.B., M.B. (June 27), stating he was unable to attend the sitting on June 29, at Ballyroan, and sending a synopsis of the evidence he was anxious to give as to the Preston Endowment.

A. R. I. Birmingham, M.B., Registrar, Catholic University School of Medicine (June 27), acknowledging receipt of letter asking for names of Representatives of Medical Faculty to be inserted in the Scheme.

Letters read from the following, stating that they will act as requested, and allowing their names to be inserted in the Draft Scheme for the Catholic University School of Medicine :—

Right Hon. the Lord Chief Baron (June 27), as a visitor.

R. P. Carton, Q.C., as a visitor.

Sir John Beaks, M.C. (June 28), as a visitor.

F. B. Cruise, M.D. (June 28), as a Governor.

Thomas More-Madden, M.D. (June 27), as a Governor.

Richard F. Tobin, M.D. (June 27), as a Governor.

Letters read from the following persons giving names of Representatives on Local Committees to be inserted in the Draft Scheme for the Charlton Charity :—

The Most Rev. Dr. Nulty, Lord Bishop of Meath (June 28).

Ven. the Archdeacon of Meath (June 27).

Charles J. Buttery (June 27).

Clerk of the Kells Union (June 27).

Clerk of the Longford Union (June 27).

Clerk of the Navan Union (June 27).

Clerk of the Trim Union (June 27).

The Draft Scheme for the Catholic University School of Medicine was further considered, and finally passed.

The Draft Scheme for the Charlton Charity was considered, and finally passed.

Letters read :—

Rev. J. Lindsey Darling (June 27), as to a site for his School, the latter to share in the Southwell School Endowment, Kinsale.

Rev. Samuel A. Brennan (June 28), as to the Cusheenan School included in the Down Connor and Drinnee Diocesan Scheme.

Replies, as drafted, ordered to be sent.

The following Draft Schemes were ordered for first publication on Tuesday, June 30 :—

No. 123.—*The Charleville Endowment.*

No. 124.—*The Catholic University School of Medicine.*

No. 125.—*The Charlton Charity.*

No. 126.—*The Endowments of and belonging to Congregations under the care of the Presbytery of Clogher.*

No. 127.—*The Parochial Schools of the Diocese of Ossory.*

Instructions were given as to the mode of publication.

The Commissioners adjourned.

ANTHONY TRAILL,
July 3, 1891.

Wm. Edward Ellis, Secretary.

July 11, 1891.

PUBLIC SITTING.

Meeting of the Commission held this day at the Courthouse, Eyrecourt.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. C. Ryan, shorthand writer, was in attendance.

EYRECOURT ENDOWED SCHOOL.

Monsignor Molloy made an introductory statement.

The following made statements :—

Most Rev. Dr. Healy, Coadjutor Bishop of Clonfert.

Ven. H. V. Daly, Archdeacon of Clonfert.

Rev. John Kirwan, R.C., Eyrecourt.

The following witnesses were sworn and examined :—

Rev. John A. Ford, M.A.

Rev. Theo. Maiden, O.C.

William Johnston.

John O'Sullivan.

Thomas Kelly.

Patrick Stanton.

The Commissioners adjourned, and visited the Eyrecourt Male and Female National Schools, and the Eyrecourt Endowed School.

J. B. DOUGHERTY,

July 4 1890

N. D. Murphy, Assistant Secretary.

July 3, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of meetings of June 26, June 27, and June 29, were read and confirmed.

No. 114.—*Lismahon Endowed School.*

An Objection from N. Hone Dwyer and Captain H. Sholto Douglas, existing Trustees, was submitted.

Letters read :—

Rev. W. Riddall, D.D. (June 30), enclosing original Trust Deed of Magdalen Schoolhouse, Belfast.

Messrs. L'Estrange and Brett, Solicitors (June 30), enclosing amendments on behalf of the Council of the Society, to the Draft Scheme published for the Belfast Natural History and Philosophical Society.

Rev. Wm. Wright (June 29), enclosing list of additional Schools for Presbytery of Ards Schedule, and also sending "consent forms."

Rev. James R. Kellert (July 1), sending names of representatives of Diocesan Synod to be named in the Scheme for the Parochial Schools of Ontario.

Rev. Wm. McDowell (June 30), as to the Cavan Congregational Endowments, included in the Scheme for the Presbytery of Cavan.

Letters also read :—

H. Stoney, M.A., B.C.C. (June 27), sending written evidence, as he was unable to attend the sitting at Ballyreen with regard to the Preston Endowment.

Rev. J. H. Moorhead, as to the audit of the accounts of the Anahilt Endowed School, County Down.

Rev. Wm. McDowell (July 1), as to his election on the Cavan Protestant Local Board, constituted by the Ulster Royal Schools Scheme.

Replies, as drafted, ordered to be sent.

The Secretary submitted letters from the following persons, giving names of representatives on Local Committees, to be inserted in the Draft Scheme for the Charlton Charity :—

The Most Rev. Dr. Woodlock, Lord Bishop of Ardagh (June 29).

The Clerk of the Gormanston Union (July 1).

The Clerk of the Ballymahon Union (July 1).

The Commissioners adjourned.

J. B. DOUGHERTY,

July 4, 1891.

Wm. Edward Ellis, Secretary.

July 4, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Minutes of the meetings of June 20, July 1, and July 3, read and confirmed.

Letters read:—

Most Rev. Dr. Nulty, Lord Bishop of Meath (July 3), sending further names of representatives on the Meath Roman Catholic Local Committee, to be inserted in the Draft Scheme for the Charlton Endowment.

Rev. J. Lindsey Darling (July 3), sending particulars of site acquired for a School under his management, in connection with the Southwell Endowment, Kinsale.

The Secretaries, Commissioners of Charitable Donations and Bequests (July 3), stating that their Board would allow the houses property mentioned in the Draft Scheme for the General Orphan Home Endowments to be vested in them.

The Commissioners adjourned.

GERALD MOLLOY,

Wm. Edward Ellis, Secretary.

July 8, 1891.

July 8, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read:—

Rev. E. E. Carr (July 4), as to a Parochial School in the Parish of Rathbarney, Diocese of Ossory.

Rev. Thos. Madden, O.C. (July 5), as to the Eyreecourt Male and Female National Schools.

Rev. Wm. Wright (July 5), sending additional endowment, to be inserted in the Scheme for the Presbytery of Ards Endowments.

The Assistant Commissioners of Intermediate Education (July 6), as to the Charleville Endowment, County Cork.

John Anderson, J.P. (July 4), as to the Draft Scheme published for the Belfast National History and Philosophical Society.

Letter (July 6) read from Messrs. T. Crozier and Sons, Solicitors, as to a School-house in the village of Scaron, County Down.

A reply, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, to the Most Rev. Dr. Woodlock Lord Bishop of Arlough, calling his attention to the modification introduced into the constitution of the Local Committee for the Charlton Endowment, since the Commissioners asked him to send three names.

The Secretary was directed to write, in terms as drafted, to the Venerable Archdeacon Daly, asking him to furnish, on behalf of the existing Trustees of the Eyreecourt Endowment, the heads of a Scheme to deal with same, which should reach this office before the 20th instant.

The Commissioners adjourned.

J. B. DOUGHERTY,

Wm. Edward Ellis, Secretary.

July 10, 1891.

July 10, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A letter was read from the Colonel commanding the Royal Engineers in Ireland, as to Portora School buildings.

A letter was drafted, to be written, subject to the approval of the Judicial Commissioners, to the Hon. Somerset Ward, in reference to the Ward Endowment, Killough and Ballyculter, County Down.

The consideration of a letter from Rev. S. C. Mitchell, asking on behalf of the Fermanagh Protestant Board of Education for a Supplemental Scheme, to facilitate the establishment of a Girls' School in Enniskillen, was postponed.

The Commissioners adjourned.

GERALD FITZGIBBON,

Wm. Edward Ellis, Secretary.

July 13, 1891.

July 11, 1891.

Meeting of the Commission held this day, at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Letters read:—

Rev. E. F. Hewson (July 9), and M. G. Richardson (July 10), as to certain Schools in the Schedule to the Ossory Diocesan Scheme.

Letters also read:—

J. C. Ponnard (July 10), as to the Urith Priory Endowment.

Ven. Archbishop Kearney, as to a Scheme for Parochial School in the Diocese of Ely.

Replies, as drafted, ordered to be sent.

The consideration of a letter from Rev. W. Matchette, as to Ballintoy School, County Antrim, was postponed till the next meeting.

The heads of a Scheme for Erasmus Smith's Endowments were further discussed.

The Commissioners adjourned.

GERALD FITZGERSON,
July 15, 1891.

Wm. Edward Ellis, Secretary.

July 15, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

No. 117.—*The Leigh Charity.*

Objection from Standing Committee of General Synod submitted.

Letters read:—

Rev. E. F. Hewson (July 14), as to the Ossory Diocesan Scheme.

Rev. J. Dunphy, P.P. (July 13), as to Carysfort Royal School Scheme.

Rev. Thomas Murphy, P.P. (July 13), as to Lattone School, included in the Scheme for the Anne Hall Endowments.

Rev. W. Wray (July 13), sends correction for Schedule to Presbytery of Tyrone Scheme.

Rev. H. Kingwill Moore (July 9), enclosing objections of Standing Committee of the General Synod, to the Scheme for the Leigh Charity, County Louth.

Robert J. Martin, Solicitor (July 14), enclosing amendments to the Scheme for Townsend Street Congregational Endowments, Belfast.

Letters also read:—

Rev. W. Matchette (July 10), as to Ballintoy School, County Antrim.

Rev. J. Usher (July 14), as to the Stratford Lodge School, Ballyglass.

Rev. S. C. Mitchell (July 9), as to a Supplemental Scheme to facilitate the establishment of a Girl's School in Enniskillen.

Replies, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, to the Commissioners of National Education as to Stratford Lodge School, Ballyglass.

The heads of a Scheme for the Banks Endowment, Eyrecourt, were considered, and, subject to some amendments, were approved.

The Commissioners adjourned.

GERALD FITZGERSON,
July 16, 1891.

Wm. Edward Ellis, Secretary.

July 16, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

It was ordered that the Draft Scheme dealing with Erasmus Smith's Endowments when ready, should be printed and sent out to the Commissioners.

The Draft Schemes for the following Endowments were ordered to be prepared for publication :—

The Banks Endowment, Eyre Court.
The Parochial Schools of the Diocese of Elphin.
The Endowments of the Cobaraine Presbytery.

The Commissioners adjourned.

GERALD MOLLOY,
July 17, 1891.

Wm. Edward Ellis, Secretary.

July 17, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Letters read :—

John Kilston Garstin, n.l. (July 15), as to the Leigh Charity Scheme.

George T. Scudiff (July 15), as to Kilmacogue National School Endowment, county Kildare.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGIBSON.
August 6, 1891.

Wm. Edward Ellis, Secretary.

July 18, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Professor DOUGHERTY.

The List of Endowments in reference to which inquiries are to be held either with a view of preparing Schemes, or of considering objections to Draft Schemes already published, was submitted and considered.

Ordered :—

That the list be brought up at a meeting before the Vacation in order to arrange for a Circuit in October.

That at the next meeting a list be submitted of Draft Schemes with a view to their being signed by the Judicial Commissioners before the Vacation.

The Commissioners adjourned.

GERALD FITZGIBSON,
August 6, 1891.

Wm. Edward Ellis, Secretary.

July 22, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Professor DOUGHERTY.

Letters read :—Consideration postponed.

Samuel Leigh (July 19), as to the salary of the Master of the Ballyreen School.

Rev. William Merchette (July 20), as to the Ballintyre School Endowments.

The Secretaries, Commissioners of National Education (July 20), relative to Stratford Lodge National School.

Letters also read :—

Rev. John A. Ford (July 16), submitting, on behalf of himself and his co-Trustees, the Heads of a Scheme for the Banks Endowment, Eyrecoort.

Rev. John S. Gass (July 20), as to the Cavan Presbytery Scheme.

Replies, as drafted, ordered to be sent.

The Commissioners adjourned.

GERALD FITZGERSON,
August 6, 1891.

Wm. Edward Ellis, Secretary.

July 25, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsieur MOLLOY, Professor DOUGHERTY.

No. 112.—*The Urish Paul Endowment.*

Objections and Amendments of the Ferns Diocesan Council submitted.

Letters read :—

Rev. W. M. Henry, M.A., as to the Cavan Presbytery Scheme.

Horace Turpin (July 25), sending list of children likely to attend an Intermediate School at Maryborough.

Rev. S. Arthur Bressa (July 22), as to Cusheadon Schoolhouse, Diocese of Connor.

T. T. L. Overend, Solicitor, sending return as to income from Urish Paul Endowment.

John C. Founden (July 23), enclosing amendments by the Ferns Board of Education to the Draft Scheme, published for the Urish Paul Endowment.

Rev. S. Cuthbert Mitchell (July 24), stating that it is not possible to utilise any portion of the Portora Royal School premises for a Girls School.

R. J. Woods (July 24), sending correction for Schedule of the Tyrone Presbytery Scheme.

Ven. Archbishop Kearney (July 20), sending Schedule of Endowments and names of Governing Body to be included in the Elphin Diocesan Scheme.

Wm. Garmon, M.A., Secretary, Commissioners of Charitable Donations and Bequest (July 24), addressed to Monsieur Molloy, enclosing copy of opinion of Law Officers of 1873, as to the Charleton Charity.

The Draft Scheme for the Banks Endowment, Eyrecoort, was considered and amended.

The Commissioners adjourned.

GERALD FITZGERSON,
August 6, 1891.

Wm. Edward Ellis, Secretary.

July 26, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Mr. Justice O'BRIEN, Monsieur MOLLOY, Professor DOUGHERTY.

Letters read :—

Rev. Samuel Wallace (July 24), asking for Form of Consent in order to include Bendooragh School in the Bendooragh Presbytery Scheme.

Ven. Archbishop Kearney (July 25), sending further names for the Governing Body to be named for the Elphin Diocesan Scheme.

William Brown, Assistant Secretary, Presbyterian Orphan Society (July 25), sending amendments on behalf of the Society to the Draft Scheme published for the General Orphan House Endowments.

Rev. J. M. Hamilton, M.A., Clerk of the Dublin Presbytery (July 27), asking to have name of Mr. John Macneay, Ellenville, Raglan Road, substituted for Mr. Jackson's name on the Governing Body proposed to administer the General Orphan House Endowments.

Returns of information required for the forthcoming Report as to Income from certain Endowments to be administered under Schemes were submitted.

The Draft Scheme for the Erasmus Smith's Endowments was discussed.

The Draft Scheme for the Hon. Michael Ward's Endowment was considered.

The Commissioners adjourned.

GERALD FITZGERSON,
August 6, 1891.

Wm. Edward Ellis, Secretary.

July 29, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON, Mr. Justice O'BRIEN, Monsignor MOLLOY,
Dr. TRAILL, Professor DOUGHERTY.

It was ordered:—

That the Agenda fixed for to-day stand for the next meeting.

Several of the Draft Schemes, including the Limerick Schemes, which are ripe for consideration by the Judicial Commissioners were discussed.

The Commissioners adjourned.

GERALD FITZGERBON,

Wm. Edward Ellis, Secretary.

August 6, 1891.

July 30, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Objections to Draft Schemes from the following persons were submitted:—

No. 121. *The General Orphan Home.*

John H. Kane, on behalf of the Protestant Orphan Society.

Rev. S. G. Cotton, M.A.

No. 122. *John Sharp's Endowment, Ballycastle.*

Rev. John Jackson.

Rev. Thomas Cox.

Letter read:—

Rev. W. M. Henry (July 29), as to the omission of the names of the Rev. John S. Gass and of William Park, J.P., from the Governing Body incorporated under the Cavan Presbytery Scheme.

Returns of information required for the forthcoming Report as to Income from certain Endowments to be administered under Schemes were submitted.

The Draft Schemes for the Banks Endowment, Kyeemart, the Hon. Michael Ward's Endowment and the Elphin Parochial Schools were considered, amended, and passed.

It was ordered that in Schemes dealing with National Schools, the amendments excepting Endowments vested in the Commissioners of National Education in their corporate capacity, and providing that the Rules and Regulations of the Commissioners shall apply, as provided in recent Presbytery Schemes, are to be inserted.

The Commissioners adjourned.

GERALD FITZGERBON,

Wm. Edward Ellis, Secretary.

August 6, 1891.

July 31, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERBON, Monsignor MOLLOY, Professor DOUGHERTY.

Letter (July 28) read from the Clerk of the Dunshaughlin Union, enclosing copy of resolution passed by the Board of Guardians of that Union in reference to the Draft Scheme published for the Charlton Endowment.

The Scheme for the Carysfort Royal School Endowment was considered, and it was agreed that same should be prepared for signature by the Judicial Commissioners.

The Schemes for the Limerick Endowment for Technical Education and for Leamy's Free School, Limerick, were discussed.

A report, settled and agreed upon by the Assistant Commissioners, as to the circumstances and condition of the Endowment of the Stratford Lodge School was submitted, and a letter, as drafted, was directed to be sent to Mr. Meade C. Dennis on the subject.

The Draft Scheme for the Erasmus Smith Endowments was discussed.

It was arranged that the first meeting of the Commission after the vacation be held on Tuesday, September 22, 1891. The Agenda for that day to include the settling of Public Sittings for October.

The Commissioners adjourned.

GERALD FITZGERBON,

Wm. Edward Ellis, Secretary.

August 6, 1891.

August 3, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Monsignor MOLLOY, Professor DOUGHERTY.

Letters read :—

Rev. John K. Leslie (July 31), sending consents for Endowments included in the Tyrone Presbytery Scheme.

Rev. John K. Leslie (July 31), sending returns as to income from the Endowments included in the Tyrone Presbytery Scheme.

On the suggestion of Monsignor Molloy, it was ordered that the Secretary should send to the Secretary of the Commissioners of Education a copy of the Memorandum furnished to the Under Secretary as to the Inspection of Schools sharing in the Ulster Royal School Endowments, and of a Form recommended for use by the Inspector during the period of three years after the Scheme comes into operation in each of the districts.

It was ordered :—

That a copy of the letter, dated July 25, from Mr. Samuel Leigh, as to the salary of the Master of the Ballyroan School, be sent to the Secretary of the Commissioners of Education, with a copy of the Evidence taken at Ballyroan on June 20, 1891, when it comes from the printer.

Letters, as drafted, were directed to be sent to Sir William Quatras Ewart, Bart., and to the Rev. George Gore Merryn, Vicar of Ballymacarrett, with reference to the Ledy School Scheme.

The following Draft Schemes were ordered for first publication on Monday, August 10 :—

No. 128. The Banks Endowment.

No. 129. The Hon. Michael Ward's Endowment.

No. 130. The Parochial Schools of the Diocese of Elphin.

Instructions were given as to the mode of publication.

The Commissioners adjourned.

GERALD MOLLOY,
August 6, 1891.

Wm. Edward Ellis, Secretary.

August 6, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBSON, Monsignor MOLLOY.

Minutes of the nine preceding meetings read and confirmed.

Letters read :—

Rev. John S. Guss (July 31), as to the omission of certain names from the Governing Body incorporated under the Cavan Presbytery Scheme.

Rev. R. McMeekis (July 31), as to time for applying to Commissioners for a Scheme to deal with the Endowments of the Presbytery of Letterkenny.

Vincent de Vandi (Aug. 5), as to the School Authority for Abbeyfeix to be named in the Scheme for the Preston Endowment.

Replies, as drafted, ordered to be sent.

Letter read from the Secretary of the Incorporated Society for promoting English Protestant Schools, asking for the consent of the Commissioners that an addition should be built to the Dandelk Institution, the expenditure not to exceed £115.

A letter enclosing the written consent of the Commissioners ordered to be sent.

The Commissioners adjourned.

GERALD FITZGIBSON,
August 8, 1891.

Wm. Edward Ellis, Secretary.

August 8, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY.

Minutes of preceding meeting read and confirmed.

Letters read :—

Rev. George Gore Mervyn (Aug. 7), approving of revised Scheme for the Ledley School Endowment.

The Secretary, Commissioners of Education (Aug. 7), acknowledging receipt of letter as to the Inspection of the Ulster Royal Schools.

Rev. S. Cuthbert Mitchell (Aug. 7), sending amendments to Draft Scheme for the Endowments of Clogher Presbytery.

The Commissioners adjourned.

GERALD FITZGIBBON,
September 22, 1891

Wm. Edward Ellis, Secretary.

September 22, 1891.

Meeting of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY,
Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Resolutions by the following Bodies with regard to Draft Schemes were submitted :—

No. 111. *The Preston Endowment.*

The Leighlin Diocesan Board of Education.

No. 112. *The Urith Paul Endowment.*

The Ferns Diocesan Board of Education.

Letters read :—

Rev. David B. Moore (Aug. 17), as to the position of Mr. Russell, one of the Governors named in the Draft Scheme for the Killinichy Schools.

John C. Foran (Aug. 27, Sept. 10), enclosing Resolutions of the Ferns Diocesan Council and the Ferns Board of Education, as to the Draft Scheme for the Urith Paul Endowment.

Ven. A. Tait, D.D., Archbishop of Tuam (Aug. 29), as to a Scheme for the Parochial Schools of the Diocese of Tuam.

Rev. Alexander H. Dill (Aug. 31), as to the Bonedough School included in the Schedule of the Route Presbytery.

Rev. J. Stewart Hickey (Aug. 31), enclosing Resolution of the Leighlin Diocesan Council in reference to the Scheme for the Preston Endowment.

J. Carmichael-Ferrall (Aug. 31), sending correction for the Schedule to the Clogher Diocesan Scheme.

The Secretary, Commissioners of Education (Sept. 2), stating that their office has been removed to 5, Leinster Street.

Rev. John Scott (Sept. 2), stating that the Endowments of the 1st Stewartstown Congregation are not to be included in the Presbytery of Tyrone Scheme.

Ven. A. M. Kearney, Archbishop of Elphin (Sept. 15), as to the Elphin Diocesan Scheme.

The Secretary, Board of Works (Sept. 16), as to supplies for alterations, &c., required in the office for the period 1892-93.

The following letters were read, and replies as already sent, were approved :—

Rev. William Stuart, Clerk of the Connaught Presbytery (Aug. 8), as to "consents" for Endowments, the Trustees of which are all dead.

Daniel DeleCherols, D.D. (Aug. 10, Aug. 17), as to the revised Scheme for the Donaghadee Free Schools.

Rev. George Gore Mervyn (Sept. 7), as to the Ledley School Endowment Scheme.

Rev. Joseph Conkey (Aug. 26), as to a Scheme for the Endowments of the Presbytery of Glendernagh.

Rev. Frederick Potterton, M.A., Archbishop of Ardgagh (Aug. 17), asking for extract from Charlan's Will.

The following letters were read, and replies, as drafted, were ordered to be sent :—

Rev. John Kirwan, D.D., Eyrecourt (Aug. 14), as to the Draft Scheme for the Banks Endowment.

Rev. Thomas Madden, D.D., Eyrecourt (Aug. 14), as to the Draft Scheme for the Banks Endowment.

Messrs. F. & K. Reid, Solicitors (Aug. 17), asking that a supplemental Scheme be prepared for the Gwyn and Young Endowments, Londonderry.

The Under Secretary, Dublin Castle (Aug. 20), transmitting copy of a circular relative to the appointment of an Inspector under Section 17 of the Act, addressed to the Governing Bodies of certain Institutions, together with a summary of the replies received thereto.

P. M. Laffan, M.D., as to the hearing of the Objections in the case of the Charlton Charity.

Miss A. M. Rowan (Sept. 9), as to Miss Talbot's School, Tralee.

Messrs. Crawford & Lockhart, Solicitors (Sept. 10), as to delay in returning the revised Scheme for the Hugh Henry Boyd's Endowment.

Messrs. Stannell & Son, Solicitors (Sept. 13), as to an inquiry into Kilmacogue School, Co. Kildare.

Rev. W. Moore Morgan, LL.D., (Sept. 13), as to National Schools included in Diocesan Schemes.

Rev. W. Moore Morgan, LL.D. (Sept. 13), as to the omission of Derryvory National School from the Schedule of the Armagh Diocesan Scheme.

Rev. William Johnston, M.A. (Sept. 15), as to the Scheme for the Brown Street Sunday and Daily Schools, Belfast.

Ven. Raymond A. Orpen, Archdeacon of Ardfer (Sept. 17), as to the provision for Intermediate Education of Protestants in Tralee.

Miss Annie Talbot (Sept. 17), asking for any Endowment that the Commissioners could transfer to her School.

Manfield Consulting, agent to the Earl of Meath (Sept. 17), asking for any documents relative to the Craggsfort Royal School Endowment.

Objections to Draft Schemes were submitted from the following persons:—

No. 125.—*The Charlton Charity.*

The Most Rev. Charles P. Reichel, D.D., Bishop of Meath (August 25).

The Most Rev. Thomas Nulty, D.D., Bishop of Meath (August 28).

The Most Rev. Bartholomew Woodlock, D.D., Bishop of Ardagh (August 28).

Ven. Garrett Nugent, M.A., Archdeacon of Meath (Aug. 26), on behalf of the Meath and Longford Protestant Committee, jointly.

Ven. Frederick Petterson, M.A., Archdeacon of Ardagh (Aug. 26), on behalf of the Longford Protestant Committee.

The Clerk of the Navan Union (Aug. 26), on behalf of the Navan Board of Guardians.

Thomas Foster and others on behalf of the Protestants of Castlerichard Parish.

Rev. J. W. Healy, LL.D. (Aug. 29), on behalf of the Protestants of Kelle Parish.

Rev. Jas. E. H. Murphy, M.A. (Aug. 28), on behalf of the Protestants of Rathore Parish.

Garrett Gill and others (Aug. 29), on behalf of the Protestants of Rathmolyon Parish.

St. George R. Johnston, J.R. (Aug. 24).

No. 128.—*The Banks Endowment, Eyrecoourt.*

Rev. John A. Ford (Sept. 12), on behalf of the existing Trustees.

Ven. H. V. Dely, M.A., Archdeacon of Clonfert (Sept. 12), on behalf of the Diocesan Council of Clonfert and Kilmacoolagh.

Letters read as to the case of the Stratford Lodge School, Baltinglass:—

Rev. John Usher, Incumbent of Baltinglass (Aug. 11).

Colonel Morley S. F. Dennis (Aug. 8 and 24).

Ordered:—

That the Assistant Secretary prepare a Draft Report of the case referring to the documents and to the evidence, copies of the more important documents to be annexed; and

That a letter be drawn up and sent to the Commissioners of Charitable Donations and Bequests, calling their attention to the position of the charity, especially to the undertaking of Mr. Dennis as to the Railway Compensation Money, and that the letter be submitted to the Board of Charitable Donations and Bequests at their first meeting in October.

The Objections and Amendments received to the following Draft Schemes were ordered to be printed and to be set down for hearing at the places mentioned during the October circuit:—

99. Benger Endowed School (at Belfast).
100. The Tate School, Wexford (at Wexford).
103. The Route Presbytery (at Ballycastle).
105. Middleton Endowed School (at Cork).
107. Killiney Schools (at Belfast).
110. The Crofton Endowments (at Cork).
123. John Sharp's Endowment (at Ballycastle).

The following cases were also ordered to be set down for hearing during the October sittings:—

- | | |
|---|---|
| 47. Cuck City Parochial Schools, | } Supplemental Schemes. |
| 64. Cork, Clayna, and Ross Diocesan Scheme, | |
| 57. High School for Girls, Cork, | } Application from Governing Bodies for amalgamation. |
| 52. Rochelle Rectory, Cork, | |

In the case of John Ivory's School, New Ross, the Scheme to be prepared for signature after consideration by the Judicial Commissioners of the objections received thereto.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

Wm. Edward Ellis, Secretary.

September 23, 1891.

Meeting of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The Objections and Amendments received to the following Draft Schemes were ordered to be printed, and to be set down for hearing at the places mentioned during the October circuit :—

- 113. The Urith Paul Endowment (at Wexford).
- 114. Lismaloe Endowed School (at Dublin).
- 115. The General Orphan Home Endowments (at Dublin).
- 116. The Chaulton Charity (at Dublin).
- 117. The Banks Endowment, Wexford (at Dublin).
- 118. The Hon. Michael Ward's Endowment (at Belfast).

The following Schemes were ordered to be prepared for signature, subject to obtaining necessary consents :—

- 119. Derry Diocesan Scheme.
- 120. Kildale and Aghaghy Diocesan Scheme.
- 121. Kilmore Diocesan Scheme.
- 122. Cammoghil Presbytery Scheme.
- 123. Ards Presbytery Scheme.
- 124. Carrig Presbytery Scheme.
- 125. Tyrone Presbytery Scheme.
- 126. Clough Presbytery Scheme.
- 127. Omagh Diocesan Scheme.
- 128. Elphin Diocesan Scheme.

The following Schemes passed, subject to certain directions :—

- 129. The Leigh Charity.
- 130. The Clontarf Endowment.
- 131. The Catholic University School of Medicine.

The Secretary was directed to send a copy of the revised Scheme for the Down and Connor, and Dromore Parochial Schools to Mr. J. J. Murphy, Diocesan Secretary, with a letter asking him to lay the same before his Diocesan Council.

The Commissioners adjourned.

WILLIAM O'BRIEN,

Wm. Edward Ellis, Secretary.

October 27, 1891.

September 24, 1891.

Meeting of the Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGIBBON, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters read :—

Very Rev. A. Phelan, r.e., Maryborough (September 13), asking if he can publish his evidence relating to the Draft Scheme for the Preston Endowment.

Rev. David R. Moore (September 22), asking for copy of the Objections lodged against the Draft Scheme published for the Killiney Schools.

Rev. Samuel Graham (September 21), asking that a Scheme be prepared for the Endowments of the Dromore Presbytery.

Reply, as drafted, ordered to be sent.

The Secretary was directed to write, in terms as drafted, to the Recorder of Derry, one of the existing Trustees of the Jefferys Endowment, Tmlor, with reference to ascertaining when he can attend to give evidence with reference to the case; a letter, in terms as drafted, was directed to be written to the Most Rev. Dr. Coffey, Lord Bishop of Kerry, after receipt of an answer from the Recorder.

The Commissioners adjourned.

WILLIAM O'BRIEN,

Wm. Edward Ellis, Secretary.

October 27, 1891.

September 25, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGIBBON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Notice of the hearing of the objections received to the following Draft Schemes was ordered to be sent to each objector and to others interested, with a printed copy of the objections:—

- 99.—Bangor Endowed School.
- 100.—The Tate School, Wexford.
- 103.—The Endowments of and belonging to the Presbytery of Rosne.
- 89 & 108.—Bandonagh School, Ballymoney.
- 105.—Midleton Endowed School.
- 107.—Kilinchy Schools.
- 110.—The Crofton Endowments.
- 112.—The Urrish Pual Endowment.
- 114.—The Lismore Endowed School.
- 121.—The General Orphan Home Endowments.
- 122.—John Sharpe's Endowment.
- 125.—The Charlton Charity.
- 128.—The Banks Endowment, Eyrecoont.
- 129.—The Hon. Michael Ward's Endowment.

In the notice of the hearing as to the General Orphan Home Endowments, a statement was ordered to be added that at the sitting the Commissioners would consider the question of vesting the property in the Commissioners of Charitable Donations and Bequest or in some other incorporated Body.

In the case of the Banks Endowment, Eyrecoont, summons under Section 31 of the Act, were directed to be sent to Rev. John A. Ford; Ven. H. V. Daly, M.A., Archdeacon of Clonsfert; and Rev. John Kirwan, F.R., with an intimation to the Rev. Mr. Kirwan that, if it be more convenient, the interests which he represents can be put forward by Rev. T. Madden, O.C., the latter can attend.

The following cases were ordered to be set down for hearing at the place mentioned, during the October circuit; notice of the sitting together with letters as drafted to be sent to the persons mentioned in each case:—

KILNEAGUE NATIONAL SCHOOL (at Dublin).

Burgess Wheeler.
Rev. George Garrett.
George Sutcliffe.
Messrs. Stansell & Sons, Solicitors.

PORTARLINGTON FREE SCHOOL (at Portarlinton).

His Grace Lord Plunkett, Archbishop of Dublin.
Very Rev. George Y. Cowell, M.A., Dean of Kildare.
Rev. John F. Cole, Incumbent.

DUNDALK ENDOWED SCHOOL (at Dundalk).

Charles E. S. Strong, Agent to Lord Roden.

CAIRNBROOKMACROSS ENDOWED SCHOOL (at Carrickmacross).

His Grace The Lord Primate (Dr. Knox).
The Right Rev. Dr. Stack, Bishop of Clogher.
The Vice-Chancellor of the University of Dublin.
Rev. Benj. Moffett, Incumbent.
Thos. Troughton, M.A., Headmaster.
The Secretary, Commissioners of Education.

GLENARM PAROCHIAL SCHOOL (at Belfast).

Alex. McDonald, Agent to Lord Antrim.
Rev. S. F. Dudley-Jones, M.A.

BELFAST TRINITY CHURCH INFANT SCHOOL (at Belfast).

The Manager of the School.
The Headmaster of the School.

MUCKAMORE ABBEY SCHOOL (at Belfast).

Samuel Thompson, J.P.
Rev. Thomas W. Hayner, M.A., Incumbent.

THE LISHURN SCHOOLS—THE WHITLA, COULTER, AND ROWLEY HALL ENDOWMENT
(at Belfast).

Rev. Wm. D. Penndon, B.A.
Rev. Arthur J. Moore, M.A.
Rev. Fredk. W. Hogan, M.A.
Rev. G. A. Shanks.
Rev. J. L. McCandles.

CUMMENDUN SCHOOL.

Captain Daniel A. McNeill.
Rev. Samuel A. Brennan, B.A.

BALLINTOY SCHOOL.

Edmund McNeill, Agent of the Ballintoy Estate.
Rev. Wm. Matchette, B.A.

Schemas under Section 31 of the Act were directed to be sent to the following of those named above:—Alex. McDonald, Rev. S. F. Dudley-James, Capt. D. A. McNeill, Rev. Samuel A. Brennan, and Edmund McNeill.

Enquiries as to the names of the present Trustees, the particulars of the present mode of investment and the trusts of the Endowments were directed to be made in the following cases:—

Ballygigan Scriptural Endowed School.
Donabate, Portlaine National School.
The Loring Charity, Kilsken.

The Commissioners adjourned.

Wm. Edward Ellis, Secretary.

WILLIAM O'BRIEN,
October 27, 1891.

September 26, 1891.

Meeting of the Commission held this day at the Office, 23, Nassau Street, Dublin.

Present:—Lord Justice FITZGERSON, Mr. Justice O'BRIEN, Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The following Schemas were considered with a view to preparing same for signature, and directions on certain points were given as to the revision of the Schemas:—

- No. 90.—Limerick Diocesan School.
- No. 94.—The Limerick Endowment for Technical Education.
- No. 95.—The Leamy School.

The Commissioners made the following arrangements for the holding of Public Sitings, commencing October 12; and instructions were given to the Secretary to have the following advertisement inserted in the Dublin papers, and also, so far as they concern the districts, in the Cork, Wexford, and Belfast papers:—

NOTICE is hereby given that the Commissioners will hold Public Sitings at the following places, on the days and at the hours named, for the purpose of taking evidence, and considering objections to published Schemas, respecting the under-mentioned Endowments:—

DUBLIN.—Monday, October 12, at 11 A.M., at the office of the Commission,
No. 121.—The General Orphan Home (to consider Objections).

Tuesday, October 13, at 11 A.M.

No. 114.—Lisnaboe Endowed School (to consider Objections).
Kilmeague National School (Personal Endowments).

PORTARLINGTON.—Thursday, October 15, at the Court House, 10.30 A.M.
Portarlinton Free School.

CORK.—Friday, October 16, at the Council Chamber, Municipal Buildings, Albert Quay, at 11 A.M.

- No. 105.—Midleton Endowed School. (To consider Objections).
- No. 110.—The Cretton Endowments, Clonrathid. (To consider Objections).
- Nos. 47 and 60.—Cork City Parochial Schools, and Cork, Clayton, and Ross Diocesan Scheme. (Supplemental Schemas).
- Nos. 37 and 52.—The High School for Girls, and Rochelle Seminary. (Application from Governing Bodies for Amalgamation).

WEXFORD.—Monday, October 19, at the Court House, at 12 Noon.

No. 100.—The Tate School, Wexford. (To consider Objections).

No. 113.—The Urith Paul Endowment. (To consider Objections).

DUBLIN.—Wednesday, October 21, at the Office of the Commission, at 12 Noon.

No. 128.—The Banks Endowment, Eyre Court. (To consider Objections).

No. 125.—The Charlton Charity. (To consider Objections).

DUNDALK.—Thursday, October 22, at the Court House, at 11 A.M.

Dundalk Endowed School (Further Inquiry).

CARRICKMACROSS.—Thursday, October 22, at the Court House, at 2 P.M.

Carrickmacross Endowed School.

BELFAST.—Friday, October 23, at the Court House, at 11 A.M.

To consider Objections with respect to the following :—

No. 99.—The Ranger Endowed School.

No. 120.—The Hon. Michael Ward's Endowment, Killough, and Ballynalter.

No. 107.—The Killinchy Schools.

To take evidence with regard to the following :—

Glenarm Parochial School.

Bethel Trinity Church Infant School.

Muckness Abbey School, Co. Antrim.

The Lavern Schools (Widdis, Coulter, and Bowley Hall Endowments).

BALLYCASTLE.—Saturday, October 24, at the Court House, at 10 30 A.M.

To consider Objections with regard to the following :—

No. 103.—The Endowments belonging to the Rente Presbytery.

Nos. 89 and 105.—Bendough School, Ballymoney.

No. 122.—John Sharp's Endowment, Ballycastle.

To take evidence with regard to the following :—

Cashenden School.

Bellinakee School.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

Wm. Edward Ellis, Secretary.

September 29, 1891.

Meeting of the Commission held this day at 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON, Mr. Justice O'BRIEN, MESSIAH MORLOY, Dr. TRAILL, Professor DOUGHERTY.

Letter (Sept. 28) read from the Right Hon. R. R. Warren, as to the Dingle and Venky Association for the promotion of Protestantism.

Letters also read :—

Rev. John Healy, M.D. (Sept. 26), as to the Dempsey Endowment, Kells.

Rev. R. Jeffrey (Sept. 19), as to the out of Auld, &c., under Scheme framed by the Commission.

Replies, as drafted, ordered to be sent.

The Objections and Amendments received to the Draft Scheme for John Ivory's School, New Ross, were ordered to be printed, and to be set down for hearing at Wexford, on Monday, October 19; notice of the sitting to be sent to all parties interested, together with a printed copy of the Objections.

The Commissioners adjourned.

WILLIAM O'BRIEN,

October 27, 1891.

Wm. Edward Ellis, Secretary.

PART III.

MINUTES OF THE JUDICIAL COMMISSIONERS.

October 3, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of the preceding meeting read and confirmed.

Mr. James S. Macartney appointed to take a shorthand report of the sittings of the Commission to be held at Castlerock, on Saturday, October 11; at Newport, Co. Mayo, on Monday, October 13; at Ballynaskill, Clifden, on Tuesday, October 14; and at Loughrea, on Thursday, October 16.

Mr. Charles Ryan appointed to take a shorthand report of the sitting of the Commission to be held at Limerick, on Friday, October 17.

Mr. Edward Tuohy appointed to take a shorthand report of the sitting of the Commission to be held at Cork, on Monday, October 20.

Mr. Henry Bond appointed to take a shorthand report of the sitting of the Commission to be held at Woodenbridge, Co. Wicklow, on Saturday, October 25.

GERALD FITZGIBSON,

Wm. Edward Ellis, Secretary.

October 20, 1890.

October 20, 1890.

Meeting of the Judicial Commissioners held this day at the Imperial Hotel, Cork.

Minutes of preceding meeting read and confirmed.

Mr. John M'Bride appointed to take a shorthand report of the sittings of the Commission, to be held at Killiney, on Friday, October 31, and at Ballycastle, on Saturday, November 1.

GERALD FITZGIBSON,

Wm. Edward Ellis, Secretary.

November 8, 1890.

November 8, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Letter (Nov. 3) read from the Clerk of the Privy Council, relating to the draft declaration to accompany the Third Amended Scheme framed for the Ulster Royal School Endowments, when remitted by the Lord Lieutenant.

A reply, as drafted, ordered to be sent.

GERALD FITZGIBSON,

Wm. Edward Ellis, Secretary.

November 7, 1890.

November 7, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Schemes for the following Endowments were considered and revised:—

No. 77. The Parochial Schools of the Diocese of Leighlin.

No. 83. The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena.

No. 84. The Endowments of and belonging to Congregations under the care of the Presbytery of Newry.

GERALD FITZGIBSON,

Wm. Edward Ellis, Secretary.

November 15, 1890.

November 15, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Schemes for the following Endowments were considered, further revised, and finally approved:—

No. 83. The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena.

No. 84. The Endowments of and belonging to Congregations under the care of the Presbytery of Newry.

The Third Amended Scheme for the Ulster Royal School Endowments, as remitted from the Privy Council, was considered and revised.

GERALD FITZGERSON,
November 17, 1890.

Wm. Edward Ellis, Secretary.

November 17, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Farther Amended Scheme for the Philthorough Sunday and Daily Schools was considered, revised, and finally approved.

GERALD FITZGERSON,
November 19, 1890.

Wm. Edward Ellis, Secretary.

November 19, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for Hugh Henry Boyd's Endowment, Belfast, was considered and revised.

GERALD FITZGERSON,
November 20, 1890.

Wm. Edward Ellis, Secretary.

November 20, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus, was considered, revised, and finally approved.

GERALD FITZGERSON,
November 21, 1890.

Wm. Edward Ellis, Secretary.

November 21, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Arthur Smith Charity was considered, further revised, and finally approved.

GERALD FITZGERSON,
November 22, 1890.

Wm. Edward Ellis, Secretary.

November 22, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were signed:—

No. 29. The Philiborough Sunday and Daily Schools, Dublin (Further Amended Scheme).

No. 53. The Endowments of and belonging to Congregations under the care of the Presbytery of Ballymena.

No. 54. The Endowments of and belonging to Congregations under the care of the Presbytery of Newry.

No. 55. Arthur Smith's Charity.

No. 97. The Endowments of and belonging to Congregations under the care of the Presbytery of Carrickfergus.

The Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant, for His Excellency's approval, with the usual letter.

The Scheme for the Belfast Library and Society for Promoting Knowledge was considered and revised.

GERALD FITZGERBON,

November 25, 1890.

Wm. Edward Ellis, Secretary.

November 25, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meetings read and confirmed.

The Scheme for the Carysfort Royal School Endowment was considered and revised.

GERALD FITZGERBON,

November 26, 1890.

Wm. Edward Ellis, Secretary.

November 26, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. George K. Magee appointed to take a shorthand report of the sitting of the Commission to be held at the Office, on Wednesday, December 3.

GERALD FITZGERBON

December 3, 1890.

Wm. Edward Ellis, Secretary.

December 3, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Fourth Amended Scheme for the Ulster Royal School Endowments was considered, further revised, and finally approved.

GERALD FITZGERBON,

December 6, 1890.

Wm. Edward Ellis, Secretary.

December 6, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Belfast Library and Society for Promoting Knowledge, was considered, further revised, and finally approved.

GERALD FITZGERBON,

December 8, 1890.

Wm. Edward Ellis, Secretary.

December 8, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were signed :—

No. 34. The Commissions of Education in Ireland and the Endowments of the Ulster Royal Schools (Fourth Scheme, Amended).
No. 32. The Belfast Library and Society for Promoting Knowledge.

The Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant for His Excellency's approval, with the usual letter.

GERALD FITZGERDON,

December 12, 1890.

Wm. Edward Ellis, Secretary.

December 12, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

Arrangements were made for the closing of the Office during the Christmas holidays.

GERALD FITZGERDON,

December 29, 1890.

Wm. Edward Ellis, Secretary.

December 29, 1890.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

The Scheme for the Donaghadee Free Schools was considered and revised, and letters as drafted were directed to be sent, with a revised copy of the Scheme, to the following persons, informing them that the Scheme will be considered at the Public Sitting in Belfast on January 8, 1891 :—

Daniel De la Charola, M.L.;
Rev. Richard H. Coote;
Messrs. Murland & Co., Solicitors, Downpatrick.

GERALD FITZGERDON,

January 5, 1891.

Wm. Edward Ellis, Secretary.

January 5, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

Mr. John McBride appointed to take a shorthand report of the sitting of the Commission to be held at Belfast on Thursday, January 8.

GERALD FITZGERDON,

January 12, 1891.

Wm. Edward Ellis, Secretary.

January 12, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

The Scheme for Rainey's School, Magherafelt, was considered and revised.

GERALD FITZGERDON,

January 14, 1891.

Wm. Edward Ellis, Secretary.

January 14, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. A. Short appointed to take a shorthand report of the sitting of the Commission to be held at the Office on Saturday, January 17.

GERALD FITZGERSON,
January 23, 1891.

Wm. Edward Ellis, Secretary.

January 23, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Observations of the Assistant Commissioners on the letter, dated January 17, from the Under Secretary, Dublin Castle, as to the Estimates for the Commission for the year 1891-92, were considered by the Judicial Commissioners, and the Secretary was directed to write, in terms as drafted, in reply to the above letter.

GERALD FITZGERSON,
January 26, 1891.

Wm. Edward Ellis, Secretary.

January 26, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for Rainey's School, Magherafelt, was considered, and further revised.

GERALD FITZGERSON,
February 2, 1891.

Wm. Edward Ellis, Secretary.

February 2, 1891.

Meeting of the Judicial Commissioners held this day, at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Parochial Schools of the Diocese of Leighlin was considered, and further revised.

GERALD FITZGERSON,
February 4, 1891.

Wm. Edward Ellis, Secretary.

February 4, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Donaghadee Free Schools was considered, and further revised.

GERALD FITZGERSON,
February 6, 1891.

Wm. Edward Ellis, Secretary.

February 6, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. James S. Macartney appointed to take a shorthand report of the sitting of the Commission to be held at the Office on Saturday, February 7.

GERALD FITZGERSON,
April 15, 1891.

Wm. Edward Ellis, Secretary.

April 15, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

Letter read from Mr. William Lawson, B.L., who is engaged on the Statute Law Revision, asking the opinion of the Judicial Commissioners as to certain Sections of the Acts of Parliament dealing with the Commissioners of Education in Ireland.

A reply, as drafted, ordered to be sent.

GERALD FITZGERBON,

June 9, 1891.

Wm. Edward Ellis, Secretary.

June 9, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

The Scheme for Rainey's School, Magherafelt, was considered, further revised, and finally approved.

GERALD FITZGERBON,

June 10, 1891

Wm. Edward Ellis, Secretary.

June 10, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

Mr. Charles Ryan appointed to take a shorthand report of the sittings of the Commission to be held at Abbeyfeix, on Saturday, June 20, and at Eyrecourt, on Wednesday, July 1.

GERALD FITZGERBON,

June 24, 1891.

Wm. Edward Ellis, Secretary.

June 24, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

The Scheme framed by the Judicial Commissioners for the future government and management of the following Endowments was signed:—

No. 48. Rainey's School and Salters Endowment, Magherafelt (Amended Scheme).

The Secretary was directed to forward the above Scheme to the Chief Secretary to the Lord Lieutenant, for His Excellency's approval, with the usual letter.

GERALD FITZGERBON,

July 15, 1891.

Wm. Edward Ellis, Secretary.

July 15, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.
Minutes of preceding meeting read and confirmed.

A letter, in terms as drafted, was approved and ordered to be sent to the Hon. Somerset Ward, in reference to the Ward Endowment in the Parishes of Killough and Ballyculter, Co. Down.

GERALD FITZGERBON,

July 29, 1891.

Wm. Edward Ellis, Secretary.

July 29, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

It was ordered:—

1. That the Sittings of the Commission shall be adjourned, for vacation, from Saturday, August 8, to Monday, September 21.

2. That the Office of the Commission shall be open for the transaction of business on Tuesdays from one to three, and on Fridays from eleven to one, only, during above period.

GERALD FITZGIBSON,

August 4, 1891.

Wm. Edward Ellis, Secretary.

August 4, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting were read and confirmed.

The Scheme for the Ledley School Endowment, Ballymacarrett, was considered and revised, and letters, as drafted, were directed to be sent to Sir William Quartus Ewart, Bart., and to Rev. George Gore Mervyn, Incumbent of Ballymacarrett, with a revised copy of the Scheme.

The Scheme for the Parochial Schools of the Diocese of Leighlin, was considered and further revised.

GERALD FITZGIBSON,

August 6, 1891.

Wm. Edward Ellis, Secretary.

August 6, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Donaghadee Free Schools, was considered and further revised.

The Scheme for the Parochial Schools of the Diocese of Armagh was considered, revised, and finally approved.

GERALD FITZGIBSON,

August 7, 1891.

Wm. Edward Ellis, Secretary.

August 7, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Carysfort Royal School Endowment was considered and further revised.

GERALD FITZGIBSON,

August 8, 1891.

Wm. Edward Ellis, Secretary.

August 8, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Schemes for the following Endowments were considered and further revised :—

- No. 63. The Ledley School Endowment.
- No. 77. The Parochial Schools of the Diocese of Leighlin.
- No. 82. The Donaghadee Free Schools.

The Schemes for the following Endowments were considered, revised, and finally approved :—

- No. 93. The Parochial Schools of the Diocese of Ardagh.
- No. 96. The Parochial Schools of the Diocese of Clogher.

GERALD FITZGERBON,
August 12, 1891.

Wm. Edward Ellis, Secretary.

August 10, 1891.

Stated Attendance of the Judicial Commissioners held this day at 23, Nassau Street, Dublin.

Present :—Lord Justice FITZGERBON.

The following Schemes were further revised and finally approved :—

- No. 63. The Ledley School Endowment.
- No. 77. The Parochial Schools of the Diocese of Leighlin.

The Scheme for the Carysfort Royal School Endowment was considered and further revised.

The following Schemes ordered to be revised and prepared for signature :—

- No. 91. The Anne Hall Endowments.
- No. 93. The Parochial Schools of the Diocese of Ardagh.
- No. 95. The Parochial Schools of the Diocese of Clogher.
- No. 98. Hugh Henry Boyd's Endowment, Belfast.
- No. 101. Brown Street Sunday and Daily Schools, Belfast.
- No. 109. The Southwell School Endowment, Kinsale (Supplemental Scheme).
- No. 112. Townsend Street Presbyterian Church Endowments, Belfast.
- No. 118. The Belfast Natural History and Philosophical Society.

GERALD FITZGERBON,
August 12, 1891.

Wm. Edward Ellis, Secretary.

August 12, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting and of the Stated Attendance of August 10, read and confirmed.

The Scheme for the Donaghadee Free Schools was considered, further revised, and finally approved.

GERALD FITZGERBON,
August 17, 1891.

Wm. Edward Ellis, Secretary.

August 17, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were signed :—

- No. 63. The Ledy School Endowment, Ballymacarrett.
- No. 77. The Parochial Schools of the Diocese of Leighlin.
- No. 82. The Donaghadee Free Schools.
- No. 83. The Parochial Schools of the Diocese of Armagh.
- No. 96. The Parochial Schools of the Diocese of Clogher.

The Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant for His Excellency's approval, with the usual letter.

The Scheme for the Anne Hall Endowments was considered and revised.

The Scheme for the Carysfort Royal School Endowment was considered and further revised, and letters as drafted were directed to be sent to the following persons, with a copy of the revised Scheme, asking them for any observations they may desire to submit :—

- The Right Hon. the Earl of Carysfort, K.P.
- The Chairman of the Town Commissioners, Arklow.
- Robert Philpott, J.P.
- Rev. James Dunphy, J.P., Arklow.
- Rev. R. C. Holloway, Rector, Arklow.
- Colonel Wm. Kemmis, J.P.

GERALD FITZGIBSON,

August 20, 1891.

Wm. Edward Ellis, Secretary.

August 20, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for Hugh Henry Boyd's Endowment was considered and further revised, and a letter as drafted was directed to be sent to Messrs. Crawford and Lockhart, Solicitors, with a copy of the revised Scheme, asking that the Trustees of the Endowment and the Managing Committee of the Belfast Town Mission may approve of same, and also asking that the Solicitors will certify the Schedules to the Scheme as being correct.

GERALD FITZGIBSON,

August 24, 1891.

Wm. Edward Ellis, Secretary.

August 24, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Schemes for the following Endowments were considered, further revised, and finally approved :—

- No. 85. The Carysfort Royal School Endowment.
- No. 91. The Anne Hall Endowments.
- No. 93. The Parochial Schools of the Diocese of Ardagh.
- No. 101. The Brown Street Sunday and Daily Schools, Belfast.

GERALD FITZGIBSON,

August 31, 1891.

Wm. Edward Ellis, Secretary.

August 31, 1891.

Meeting of the Judicial Commissioners held this day at 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Schemes framed by the Judicial Commissioners for the future government and management of the following Endowments were signed :—

- No. 85. The Carysfort Royal School Endowments.
- No. 91. The Anne Hall Endowments.
- No. 93. The Parochial Schools of the Diocese of Ardeagh.
- No. 101. The Brown Street Sunday and Daily Schools, Belfast.

The Secretary was directed to forward the above Schemes to the Chief Secretary to the Lord Lieutenant for His Excellency's approval, with the usual letter.

GERALD FITZGERBON,
September 23, 1891.

Wm. Edward Ellis, Secretary.

September 23, 1891.

Meeting of the Judicial Commissioners held this day, at the Office, 23 Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

The Scheme for the Parochial Schools of the Diocese of Down and Connor and Dromore was considered, and further revised.

GERALD FITZGERBON,
September 23, 1891.

Wm. Edward Ellis, Secretary.

September 25, 1891.

Meeting of the Judicial Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Minutes of preceding meeting read and confirmed.

Mr. Henry Bond appointed to take a shorthand report of the sittings of the Commission to be held at the Office on Monday, October 12, and Tuesday, October 13; at Purterlington on Thursday, October 15; and at Wexford on Monday, October 19.

Mr. Edward Tuckey appointed to take a shorthand report of the sitting of the Commission to be held at Cork, on Friday, October 18.

Mr. F. H. Wayland appointed to take a shorthand report of the sittings of the Commission to be held at the Office on Wednesday, October 21; and at Dundalk and Carrickmacross on Thursday, October 22.

Mr. John McBride appointed to take a shorthand report of the sittings of the Commission to be held at Belfast, on Friday, October 23, and on Saturday, October 24.

GERALD FITZGERBON,
October 7, 1891.

Wm. Edward Ellis, Secretary.

PART IV.

MINUTES OF THE ASSISTANT COMMISSIONERS.

November 5, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—REV. DR. MOLLOY, DR. TRAILL.

Minutes of preceding meeting read and confirmed.

A list was prepared to be submitted to the full Commission for the purpose of arranging the course of business.

Adjourned.

J. B. DOUGHERTY.

November 14, 1890.

N. D. Murphy, Assistant Secretary.

November 7, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—REV. DR. MOLLOY, DR. TRAILL, PROFESSOR DOUGHERTY.

The following arrangements were made with a view to the publication of Draft Schemes :—

I. To be submitted to the full Commission for the decision of questions of principle :—

Middleton Endowed School.
 The Crofton Endowment, Clondrohid.
 The Tate School, Wexford.
 The Erasmus Smith Endowments.
 Mount Sandford Endowment, Castlereagh.

II. To be brought up and proceeded with :—

The Ballyrean Endowment.
 The Incorporated Society.
 The Bangor Endowed School.

III. Schemes to be undertaken, and heads, where necessary, submitted :—

Killalea Diocese, Parochial Schools.
 Derry do. do. do.
 New Ross Endowed School.
 Newport Parochial School.
 Endowments of Route Presbytery.
 Brown Street Schools, Belfast.
 Parsons Perse's Endowment.
 The General Orphan Home.
 The Masterman Endowment.

The case of the Dundalk Grammar School was referred to the full Commission to obtain directions as to the method of procuring evidence as to the Endowment.

Letter (Aug. 10) read from the Rev. J. Kingham as to the expediency of publishing a Scheme for the management of the Association for the Employment of the Industrious Blind, Belfast.

A reply, as drafted, ordered to be sent.

Adjourned.

J. B. DOUGHERTY,

November 14, 1890.

N. D. Murphy, Assistant Secretary.

November 14, 1890.

Meeting of the Assistant Commissioners, held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

A letter was read from C. F. Fells, solicitor, Enniskillen, enclosing copy of a letter written by him to the Commissioners of Charitable Donations and Bequests, and requesting payment of a sum, £14 7s. 6d., due to the Executor of the late J. A. Woods, for moneys expended by him in repairs to the Lattone Schoolhouse, dealt with in the Scheme for Anne Hall's Endowments.

The Assistant Secretary was directed to examine the account standing in the Accountant-General's books in the matter of Anne Hall's Estate, and the separate credit of the Sliabhán School, and to obtain a return of payments made to Mr. Wood, in respect of repairs since the year 1872.

A letter was also read from the Commissioners of Charitable Donations and Bequests on the same subject, and enclosing Mr. Fell's account:

A report was submitted in the case of the Dundalk Grammar School, and it was ordered:—

That it be referred to the Judicial Commissioners to consider the legal aspect of the case.

Papers connected with the Henry Agricultural Endowment, Downpatrick, were submitted, and principles on which a Draft Scheme should be framed were discussed.

Adjourned.

GERALD MOLLOY,
November 21, 1890.

November 21, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

In the case of the General Orphan Home, the Assistant Secretary was directed to call on the Secretaries, Commissioners of Charitable Donations and Bequests with a view to obtain, if possible, the last printed Report of the Home, and any other documents connected with the case.

The case was discussed and the question of holding a Public Inquiry was referred to the Full Commission.

Adjourned.

ANTHONY TRAILL,
November 28, 1890.

N. D. Murphy, Assistant Secretary.

November 28, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

With regard to the Masterson Endowment, Manerhamilton, it was agreed that this Endowment be included in the Scheme for the Parochial Schools of the Diocese of Ardagh.

The heads of a Scheme for the Endowments of the Newport Parochial School were submitted and were agreed to, subject to the question as to the vesting of the School premises which was referred to the full Commission.

The heads of a Scheme for the New Ross Endowed School were submitted and agreed to.

Adjourned.

J. B. DOUGHERTY,
December 5, 1890.

N. D. Murphy, Assistant Secretary.

December 3, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Assistant Secretary brought up a report of an inquiry in the Accountant-General's Office as to the condition of the Lattone School Repair Fund dealt with in the Scheme for the Anne Hall Endowments, and a letter, as drafted, was directed to be written to Mr. C. F. Falls, Solicitor for the representatives of Mr. J. A. Wood, asking for particulars and vouchers with regard to the claim made by them.

A letter, as drafted, was ordered to be written to Mr. M. C. Dennis, as to Stratford Lodge School.

A Public Inquiry with regard to the General Orphan House was fixed for Saturday, January 10, 1891, at the Office.

Adjourned.

GERALD MOLLOY,

December 19, 1890.

N. D. Murphy, Assistant Secretary.

December 12, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

It was agreed that the Assistant Commissioners should meet on Friday, December 19, and that Dr. Molloy should bring up a report on the Duke of Devonshire's School at Lismore, Bandon, and Youghal; that Dr. Traill should bring up a report on the Urith Paul Endowment, Stoklostown; and that the heads of a Scheme for Dundalk Grammar School should be submitted.

Adjourned.

GERALD MOLLOY,

December 19, 1890.

N. D. Murphy, Assistant Secretary.

December 19, 1890.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings confirmed.

A report on the Duke of Devonshire's Schools at Bandon, Youghal, and Lismore, was brought up by Dr. Molloy and considered, and it was agreed that no Scheme should be prepared for the Endowments of these Schools until the case had been considered by the Full Commission.

Professor Dougherty reported that farther information was necessary for the preparation of a Scheme for Dundalk Grammar School, and it was agreed that the question of the expediency of holding a Public Sitting for this case should be brought before the Full Commission.

Adjourned.

ANTHONY TRAILL,

January 19, 1891.

N. D. Murphy, Assistant Secretary.

January 19, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The principles on which a Scheme should be prepared for Sharp's Endowment, Ramcan, Ballycastle, were discussed, and the heads of a Scheme were submitted and agreed to.

The principles on which a Scheme should be prepared for Killinchy School (Ward's Endowment) were discussed, and the heads of the Scheme were agreed to.

Letters, as drafted, were directed to be written to Rev. T. Cox, and Messrs. Crawford and Lockhart, with regard to Sharp's Endowment.

The Scheme as drafted for Ivory's School, New Ross, was submitted, amended, and ordered to be printed.

The heads of a Scheme for the Catholic University School of Medicine, Cecilia-street, Dublin, were submitted, and agreed to, and a letter, as drafted, was ordered to be written to John O'Hagan, Esq., Solicitor, asking for information as to certain of the Endowments belonging to the School.

Adjourned.

J. B. DOUGHERTY,

January 20, 1891.

N. D. Murphy, Assistant Secretary.

January 20, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The case of the Urish Paul Endowment, Stokestown, Co. Wexford, was brought up and it was agreed that a Draft Scheme for the Endowment should be prepared.

The heads of a Scheme for the Lissaboe Endowed School were submitted and agreed to, and a Draft Scheme was ordered to be prepared.

In the case of the Clontumpner School, Co. Longford, a letter, as drafted, was ordered to be written to the Rev. G. R. Peyton, suggesting that the School might be included in the Scheme for the Parochial Schools of the Diocese of Ardagh, and asking for his observations.

A letter from the Under-Secretary, Dublin Castle, January 17, 1891, was considered, and it was agreed that a paper of observations thereon should be prepared, and submitted for the consideration of the Assistant Commissioners.

Adjourned.

GERALD MOLLOY,

January 22, 1891.

N. D. Murphy, Assistant Secretary.

January 21, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Mr. Jos. J. Murphy, Secretary, Diocesan Council of Down, Connor, and Dromore, attended and conferred with the Assistant Commissioners with regard to the issue by the Commissioners of a circular to the owners and managers of the various Schools to be included in the Scheme for the Parochial Schools of the Dioceses.

It was agreed that the settlement of the circular should be referred to the Full Commission.

The observations of the Assistant Commissioners on the letter from the Under-Secretary Dublin Castle, January 17, 1891, were submitted and agreed to, subject to being finally passed at a meeting to be held to-morrow.

Adjourned.

GERALD MOLLOY,

January 22, 1891.

N. D. Murphy, Assistant Secretary.

January 22, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the two preceding meetings read and confirmed.

The observations of the Assistant Commissioners on the Treasury letter of January 17, was further considered and passed.

Questions with regard to the Urith Paul Endowment, Stokestown, were discussed.

Adjourned.

ANTHONY TRAILL,

February 13, 1891.

N. D. Murphy, Assistant Secretary.

February 7, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Letters, as drafted, were ordered to be written to the Rev. J. Jackson and the Rev. T. Cox as to the value of the old Barmean Schoolhouse, to be dealt with in the Scheme for Sharp's Bequest.

The case of the Urith Paul Endowment was further discussed.

Adjourned.

ANTHONY TRAILL,

February 13, 1891.

N. D. Murphy, Assistant Secretary.

February 11, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Questions relating to the Draft Scheme for Ivory Free School, New Ross, were discussed.

The Heads of a Scheme for the Charlton Endowment were submitted and considered.

Adjourned.

ANTHONY TRAILL,

February 13, 1891.

N. D. Murphy, Assistant Secretary.

February 13, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the three preceding meetings read and confirmed.

The Heads of a Scheme for Charlton Charity were further discussed and agreed to, and the following questions were reserved for the Full Commission :—

1. Is it in the power of the Commission, if they deal with Charlton's Endowment, to apply it to the purpose of marriage portions, and the advancement of young women in life?
2. In considering the application of the Endowment of marriage portions, whether each Board should entertain applications from persons who have got married within the previous twelve months, or from persons who propose to get married within the next six months, or both?

The Heads of a Draft Scheme for the Urith Paul Endowment were submitted and considered.

Adjourned.

J. B. DOUGHERTY.

February 14, 1891.

N. D. Murphy, Assistant Secretary.

February 14, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The Heads of a Scheme for the Urith Paul Endowment were further considered and agreed to, and a Draft Scheme was ordered to be prepared.

Adjourned.

GERALD MOLLOY.

N. D. Murphy, Assistant Secretary.

February 18, 1891.

February 18, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

A letter from Rev. J. Kingham was read with regard to an application for a Scheme for the Association for the Employment of Industrious Blind.

A reply, as drafted, ordered to be sent.

Adjourned.

J. B. DOUGHERTY,

N. D. Murphy, Assistant Secretary.

February 20, 1891.

February 20, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A letter which at the previous meeting was directed to be written, in terms as drafted, to the Rev. J. Kingham with regard to a Scheme for the Association for the Employment of the Industrious Blind, was considered and its terms ratified.

The Draft Scheme for the Ward Schools, Killinohy, was considered and amended, and a letter was directed to be written to the Rev. D. R. Moore, asking for a list of the present Committee of the Schools, and showing which members represent the Select Vestry, and which members represent the Scaillon, respectively.

An identical letter, in terms as drafted, was directed to be written to the Rev. D. R. Moore, Rev. L. P. Lehoux, and Rev. E. H. Orr, as to the managership of the Sunday School held in the Ward School Buildings.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Assistant Secretary.

February 21, 1891.

February 21, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Scheme for the Crofton Endowments, Clonsilla, was considered and passed, subject to certain points reserved by Dr. Trill for the consideration of the Full Commission.

Adjourned.

GERALD MOLLOY,

N. D. Murphy, Assistant Secretary.

February 28, 1891.

February 25, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

The Draft Scheme for the Urish Paul Endowment, Stokestown, was submitted and ordered to be printed.

The Draft Scheme for the Killinchy Schools was further considered and amended.

Adjourned.

GERALD MOLLOY,

February 28, 1891.

N. D. Murphy, Assistant Secretary.

February 28, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

A letter was read from the Rev. J. Jackson as to the value of the Old Ramona School-house, to be dealt with in the Scheme for Sharp's bequest.

Ordered :—

That a statement be drawn up for submission to the Commissioners of Charitable Donations and Bequests.

The Assistant Secretary was directed to prepare a report of the state and circumstances of the Beckfield Institution as disclosed by the evidence laid before the Commissioners.

The heads of a Scheme for the General Orphan Home were submitted and agreed to.

Adjourned.

ANTHONY TRAILL,

March 3, 1891.

N. D. Murphy, Assistant Secretary.

March 3, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for Lisnaboe Endowed School was submitted and ordered to be printed.

Adjourned.

GERALD MOLLOY,

March 11, 1891.

N. D. Murphy, Assistant Secretary.

March 6, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Rev. Dr. MOLLOY, Dr. TRAILL.

Letters read :—

Rev. W. Munce, as to a School under the Down, Connor, and Dromore Diocesan Scheme.

Rev. D. McKisney, as to Ballyswallon School.

Rev. G. B. Peyton, as to Clontarf School.

Rev. J. H. Thorpe, as to a Supplemental Scheme for the Cork City Parochial Endowments.

The Draft Scheme for the Charlton Endowments was ordered to be prepared for the printer.

Adjourned.

GERALD MOLLOY,

March 11, 1891.

N. D. Murphy, Assistant Secretary.

March 11, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of two preceding meetings read and confirmed.

The Draft Scheme for the Urith Paul Endowment was considered, amended and passed.
Adjourned.

ANTHONY TRAILL.

March 13, 1891.

N. D. Murphy, Assistant Secretary.

March 13, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Rev. Dr. MOLLOY, Dr. TRAILL.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Catholic University School of Medicine was considered, amended, and passed.

Adjourned.

J. B. DOUGHERTY,

April 20, 1891.

N. D. Murphy, Assistant Secretary.

April 10, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Rev. Dr. MOLLOY, Dr. TRAILL.

The Draft Scheme for the Lisnabee Endowed School was amended and passed subject to the point raised by Dr. Molloy that the words "boys and girls," on page 7, clause 9, line 7, should read "the poor of the parish of Lisnabee and of the adjoining parishes."

The Draft Scheme for the Leigh Charity, County Louth, was also considered and passed.
Adjourned.

J. B. DOUGHERTY,

April 20, 1891.

N. D. Murphy, Assistant Secretary.

April 20, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

The following letters were read:—

James Wilson, Esq., v.l., agreeing to serve as a Governor for Lisnabee Endowed School.

James W. Bond, J.P., like letter.

Messrs. L'Estrange and Brett, enclosing memorandum as to the Belfast Natural History and Philosophical Society.

A letter was read from Rev. E. L. Eves, Maryborough, as to the Scheme for the Preston Endowment.

Reply, as drafted, ordered to be sent.

Letters, as drafted, were ordered to be written to Rev. Mr. Cox and Rev. Mr. Jackson, with regard to Sharp's Endowment.

The heads of a Draft Scheme for the General Orphan House Endowments were submitted and passed.

The question of a preparation of a Draft Scheme for the Erasmus Smith's Endowments was considered, and it was agreed that a Scheme should be brought up before the Long Vacation.

Adjourned.

ANTHONY TRAILL,

April 24, 1891.

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N. D. Murphy, Assistant Secretary.

April 24, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The heads of a Scheme for the General Orphan Home were reconsidered, and it was agreed that the number of Trustees should be increased.

The heads of a Scheme for the Belfast Natural History and Philosophical Society were submitted, and were considered and passed.

Adjourned.

GERALD MOLLOY,
May 1, 1891.

N. D. Murphy, Assistant Secretary.

May 1, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

A letter was read from the Clerk of the Presbytery of Belfast (April 28) with regard to a Scheme for the Endowments belonging to that Presbytery.

Reply, as drafted, was ordered to be sent.

A letter from the Rev. J. Jackson with regard to the Sharp Endowment, Ballycastle, was read, and the consideration thereof was referred to the full Commission.

The following list of Schemes was settled with a view to publishing the same on May 30 :—

- The Charlton Charity.
- The General Orphan Home.
- The Belfast Natural History and Philosophical Society.
- The Sharp Endowment, Ballycastle.
- The Endowments of the Tyrone Presbytery.
- The Endowments of the Cavan Presbytery.
- The Charleville Endowed School.

Adjourned.

J. B. DOUGHERTY,
May 8, 1891.

N. D. Murphy, Assistant Secretary.

May 8, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Certain questions with regard to the Scheme for the Sharp Endowment, Ballycastle, were discussed.

Adjourned.

GERALD MOLLOY,
May 15, 1891.

N. D. Murphy, Assistant Secretary.

May 15, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Belfast Natural History and Philosophical Society was considered, amended, and passed.

The heads of a Scheme for the Charleville Endowment were submitted and passed.

A letter, as drafted, with regard to the present application of the Charleville Endowment was directed to be written to the Agent of the Earl of Cork.

Adjourned.

ANTHONY TRAILL,

May 22, 1891.

N. D. Murphy, Assistant Secretary.

May 23, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting were read and confirmed.

The Drafts of the proposed Scheme for The Sharp Endowment, Ramoan, and Charleville Endowment were considered and ordered to be printed.

Adjourned.

GERALD MOLLOY,

May 29, 1891.

N. D. Murphy, Assistant Secretary.

May 27, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Dr. TRAILL, Professor DOUGHERTY.

Letters read:—

Lord de Veset, as to the Objections to the Scheme for the Ballyroan Endowment.

Most Rev. E. Magennis, Lord Bishop of Kilmore, as to the payment of salaries to the new Commissioners of Education.

Replies, as drafted, were ordered to be sent.

The Draft Scheme for The Sharp Endowment, Ramoan, was considered, amended, and passed.

Adjourned.

GERALD MOLLOY,

May 29, 1891.

N. D. Murphy, Assistant Secretary.

May 29, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

A letter was read from Messrs. Kelly and Lloyd, on behalf of Mr. J. Atkinson, with reference to the inclusion of Teaguy in the Scheme for the Parochial Schools of the Diocese of Armagh.

Certain questions with regard to the Scheme for The Sharp Endowment were discussed.

Adjourned.

J. B. DOUGHERTY,

June 1, 1891.

N. D. Murphy, Assistant Secretary.

June 1, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Rev. Dr. MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

It was arranged that the following Schemes should be advanced with a view to publication on June 29 :—

The Charlton Charity.
The Charleville Endowment.
The Catholic University School of Medicine.
The Cotter Endowment, Rahon, Mallow.
The Parochial Schools of the Diocese of Omsry.
Ward's Endowment, Killough and Ballysalter.
The Endowments of the Clogher Presbytery.

It was arranged that the undermentioned Endowments should be dealt with in manner following :—

The Eyrecourt School (Bank's Endowment).

A Public Sitting of the Commission to be held at Eyrecourt on June 29, as arranged.

Cork School of Science, Art, and Music.

Roche's Endowment, Aghada.

Kilkenny Subscription School.

Bine School, Drogheda.

Lapp's Charity, Cork.

Heads of Schemes for these Endowments to be prepared.

Ardee Endowed School.

Dundalk Endowed School.

To be referred to Full Commission as to course to be pursued.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Assistant Secretary.

June 4, 1891.

June 6, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The heads of a Scheme for the Parochial Schools of the Metropolitan portion of the Diocese of Dublin, Glendalough, and Kildare, were submitted and approved.

Adjourned.

J. B. DOUGHERTY,

N. D. Murphy, Assistant Secretary.

June 8, 1891.

June 8, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

Further points in connection with the Scheme for the Parochial Schools of the Metropolitan portion of the Dioceses of Dublin, Glendalough, and Kildare were settled.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Assistant Secretary.

June 10, 1891.

June 10, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

Minutes of previous meeting read and confirmed.

It was agreed that a Report should be brought up at the next meeting, on the circumstances of the Ward Endowment, Killough and Ballyculter.

Adjourned.

GERALD MOLLOY,

June 10, 1891.

N. D. Murphy, Assistant Secretary.

June 12, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

A Report was submitted on the Ward Endowment, Killough and Ballyculter, and the question was referred to the Full Commission as to the course to be pursued to obtain additional information.

Adjourned.

GERALD MOLLOY,

June 12, 1891.

N. D. Murphy, Assistant Secretary.

June 17, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Dr. TRAILL, Professor DOUGHERTY.

A letter from the Secretary to the Treasury to the Rev. S. Cuthbert Mitchel with regard to a certain plot of land proposed to be dealt with in the Draft Scheme for the Presbytery of Clogher was submitted by Professor Dougherty.

It was arranged that the following Schemes should be advanced with a view to publication in August.

The Parochial Schools of the Metropolitan area of the Dioceses of Dublin, Glendalough and Kildare.

The Kilkenny Subscription School.

The Blue School, Drogheda.

Lapp's Charity, Cork.

The Bahan (Cotter) Endowment.

Adjourned.

GERALD MOLLOY,

June 17, 1891.

N. D. Murphy, Assistant Secretary.

June 19, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of three preceding meetings read and confirmed.

The Draft Scheme for the Charleville Endowment was considered and passed.

Adjourned.

J. B. DOUGHERTY,

June 23, 1891.

N. D. Murphy, Assistant Secretary.

June 23, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The Draft Scheme for the Endowments of the Clogher Presbytery was considered and passed.

Adjourned.

1891.

N. D. Murphy, Assistant Secretary.

June 26, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

A letter (June 25) was read from the Assistant Commissioners of Intermediate Education as to the Charleville Endowment.

Ordered:—

That the Scheme should be published on June 30 in the usual manner, and that when sending a copy of the Scheme to the Assistant Commissioners, a special letter stating the circumstances under which it was published should be annexed.

A letter was read from the Rev. Thomas Cox, asking to have the Minute Book of Ramon Ventry returned to him.

Ordered:—

That the Book should be sent, as requested, and that Mr. Cox should be asked, at the same time, to return it when required so to do.

A letter was read from the Rev. J. A. Ford, as to the documents connected with the Eyrecoort School.

An extract of the Will of the Rev. Mr. Banks referring to the endowment, and a letter as drafted was ordered to be sent.

Adjourned.

ANTHONY TRAILL.

N. D. Murphy, Assistant Secretary.

July 3, 1891.

July 3, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of the preceding meeting read and confirmed.

The heads of a Draft Scheme for the future management of the Eyrecoort School (Banks Endowment) were submitted and were discussed, and the further consideration thereof was adjourned.

A letter as drafted was directed to be written to the Rev. T. Madden, O.C., Eyrecoort, as to the term of the lease, and the rent of the Eyrecoort Male and Female National Schools.

Adjourned.

GERALD MOLLOY.

N. D. Murphy, Assistant Secretary.

July 16, 1891.

July 10, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

It was agreed that the following Schemes should be advanced with a view to publication:—

- Eyrecoort Endowed School (Banks Endowment).
- City of Dublin Parochial Schools.
- The Parochial Schools of a Diocese.
- The Endowments belonging to a Presbytery.
- Glenarr National School (subject to result of correspondence with parties interested).
- The Endowments belonging to Coleraine Presbytery.
- The Ward Endowment, Killeagh and Ballyvaughan.
- The McGowan Endowment—Ballymacconnell, Ballymullen, and Ballyvaughan.
- The Bine School, Drogheda.

Letters as drafted were ordered to be written to Rev. H. Kingsmill Moore, as to Glencarrig National School; and to Very Rev. Dean Hare, as to Kilkenny Subscription School. It was arranged that the following batch of Schemes should be brought up and published after the vacation:—

The Incorporated Society.
The Erasmus Smith Endowments.
The Stratford Lodge Schools.
The Raham Endowment.
The Rockfield Institution.
Foyle College, Londonderry.
King's Hospital, Ormeau, Dublin.

Adjourned.

GERALD MOLLOY,

N. D. Murphy, Assistant Secretary.

July 16, 1891.

July 16, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Minutes of two preceding meetings read and confirmed.

The Assistant Secretary submitted a Report in the particulars of a sum of £1,750 recovered by Mr. M. G. Dennis from the Great Southern and Western Railway, in respect of lands taken by that Company, including the old Stratford Lodge Schools.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Assistant Secretary.

July 30, 1891.

July 22, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

Letters read:—

Rev. S. Outhbert Mitchel, with regard to a Supplemental Scheme for the Fermagh Royal School District.

Rev. J. H. Martin, LL.D., as to the Killegan National School.

J. Ribben Gamlin, as to the Leigh Charity.

Hon. Somerset Ward, as to the Ward Endowment, Killough and Ballyvaughan.

The heads of a Scheme for Judge Ward's Endowment for the Parishes of Killough and Ballyvaughan were submitted and passed.

The Assistant Secretary was directed to prepare, for submission to the Full Commission, a Report as to the circumstances and condition of the Endowments of the Stratford Lodge Schools, upon principles which were settled and agreed to.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Assistant Secretary.

July 30, 1891.

July 24, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present:—Monsignor MOLLOY, Professor DOUGHERTY.

The Draft of a Scheme for the Ward Endowment was considered and ordered to be printed.

Adjourned.

ANTHONY TRAILL,

N. D. Murphy, Assistant Secretary.

July 30, 1891.

July 30, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of three preceding meetings read and confirmed.

The Draft Scheme for Judge Ward's Endowment was considered and passed.

GERALD MOLLOY,

Sept. 24, 1891.

N. D. Murphy, Assistant Secretary.

September 24, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Minutes of preceding meeting read and confirmed.

The proposed Draft Scheme for the Erasmus Smith Endowments was discussed, and the Secretary was directed to obtain a list of the Estates held by Erasmus Smith at the date of the Indenture of 1637.

The Secretary was also directed to collect the following information as to the Estates belonging to Erasmus Smith, and as to the application of that part of the Endowment to Exhibitioners and Professors in Trinity College, Dublin.

The list of the Endowments standing for inquiry was considered. Inquiries, as to the nature of certain of these Endowments, and its present condition, nature, and mode of application, were ordered to be made by means of Circulars, to be drawn up for the purpose.

Adjourned.

J. B. DOUGHERTY,

November 13, 1891.

N. D. Murphy, Assistant Secretary.

September 25, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

Inquiries were directed to be made in the manner directed at the previous meeting, with regard to the certain Endowments standing for consideration.

Adjourned.

J. B. DOUGHERTY,

November 13, 1891.

N. D. Murphy, Assistant Secretary.

September 26, 1891.

Meeting of the Assistant Commissioners held this day at the Office, 23, Nassau Street, Dublin.

Present :—Monsignor MOLLOY, Dr. TRAILL, Professor DOUGHERTY.

The following letters were read :—

Messrs. F. and K. Reid, as to a Supplemental Scheme for the Gwyn and Young Endowments.
Joseph John Murphy, Esq., as to the Duwa, Connor, and Dromore Diocesan Scheme.
Messrs. Stannell and Son, as to Kilmacree School.

A letter was read from Rev. P. F. Laffan as to the Charlton Charity.

Reply, as drafted, ordered to be sent.

The principles on which a Scheme should be framed for the Rockfield Institution were discussed and agreed to.

Adjourned.

J. B. DOUGHERTY,

November 13, 1891.

N. D. Murphy, Assistant Secretary.

APPENDICES.

EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION, 1890-91.

APPENDIX A. MINUTES OF EVIDENCE.

PUBLIC SITTING—SATURDAY, OCTOBER 11, 1890,

O.C. 12, 1890.

At the Courthouse, Castlereagh.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLAT, D.D., D.S.C., ANTHONY TRAILL, LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

LORD MOUNT SANDFORD'S ENDOWMENT, CASTLEREA.

Lord Justice FITZGERSON.—The endowment in question has been lying dormant since 1801. It originally consisted of a sum of £193 10s. 11d. Government Stock, which was invested by the first Lord Mount Sandford in the name of "the Bishop of Ely," and the Messrs. La Touche, then bankers in Dublin, received the dividends, under a direction that they should be held by them in trust "for the school of Castlereagh." No record can be found of the original investment, and the dividends accumulated for nearly ninety years in La Touche's Bank, and subsequently in the Munster Bank, and were placed to the credit of an account entitled "The Castlereagh Schools." The accumulation amounted, when last returned, to £311 cash. An affidavit was made by the late Mr. Wills Sandford on May 13, 1885, stating that the original School of Castlereagh was, he believed, built by his ancestor, the first Lord Mount Sandford, who gave the money, about the year 1810; that this school stood some distance outside the town, and was the only school before or at that time in or near Castlereagh; that about forty or fifty years ago, the then Lord Mount Sandford erected a new schoolhouse in the Market-place of Castlereagh, for male and female children, and placed it under the charge of a master and mistress, who were paid by him; and after his death by his successor in the ownership of the estate, who was the deponent's father; that the old schoolhouse was dissolved, and was at length taken down; that the school so built about forty or fifty years ago still exists, and was some years ago placed under the National Board, and is attended by Protestant and Roman Catholic children under a very good Protestant master; that the lodgment in La Touche's Bank was not discovered till after the death of Mr. William Digges La Touche in 1885, who had the management of the dividends of a sum of £1,065 stock, of which the sum in question was a part; that the rest of that sum was held for other trusts altogether. Mr. Sandford suggested that, under these circumstances, the sum of £193 10s. 11d. Government Stock and the accumulated dividends, should be applied to the use of the present School of Castlereagh mentioned in his affidavit.

On February 5, 1888, we got a letter from the Commissioners of Charitable Donations and Bequests, in which they stated that their attention had been directed to the facts which I have mentioned. They stated that Mr. William Digges La Touche had man-

aged this fund, but had never done anything towards applying it for the purpose for which it was intended, but had simply accumulated the dividends. They referred to a memorandum for the half-year ending October, 1880, in the handwriting of Mr. La Touche, in which the "Castlereagh School, £193 10s. 11d.," and other sums for the "Dromore Poor," "Minchin and Chapman," and "Executors of M. A. Newcombe," were totted together and made £1,065 11s. 2d. stock. They say that the dividends on the £193 10s. 11d. amounted to £311 5s. 5d. cash, which was lodged in the Munster Bank to the credit of an account entitled "Castlereagh Schools." They tell us that there have been parochial schools in Castlereagh since 1810, but that no claim has ever been made to this sum of stock or to the dividends thereon by any person; and, that save the information and suggestions contained in Mr. Sandford's affidavit, they were unable to obtain any information with reference to the trusts of the endowment, although search was made in every direction.

Under those circumstances they filed a petition under Lord Romilly's Act, praying that the funds of the school should be vested in them, and by an Order of the Master of the Rolls of July 1, 1888, it was directed that the right to call for a transfer of the funds should be vested in the Board, and that the funds should be held by them on the charitable trusts affecting the same.

*The Commissioners say that the fund is chargeable with a proportion of the costs of the proceedings at present unascertained; that since the order of the Master of the Rolls, they were apprised of a letter written by Mr. Trevelian, of the Munster Bank, stating that in the books of La Touche and Company the first entry for "Castlereagh Schools" appears on 1811, when £5 was lodged for half a year's dividend on "two Government five per cent. debentures." Application was made to them by Mr. Wills Sandford and the Bishop of the diocese that the funds should be applied in aid of the school mentioned in Mr. Wills Sandford's affidavit. "Inquiry was thereupon made, and it was ascertained that in addition to this school, which is numbered 11,505 on the Roll of the National Board, there are three other National Schools in the town of Castlereagh.

Under those circumstances they have sent us the documents and asked us to dispose of the case. It is

* See Appendix B. No. I. (a), p. 105.

Oct. 21, 1888.

our duty to ascertain the intentions of the founder of the charity, Lord Mount Sandford, and having regard to those intentions, to extend the usefulness of those funds to the persons for whose benefit he intended that they should be applied. We have got a *return showing that there are now four National Schools in Castleroa, of which three are under Roman Catholic management, and are attended by about 480 pupils. The fourth is a mixed school—I presume the one men-

tioned in Mr. Sandford's affidavit—under the management of the Protestant clergyman, and is stated to be attended by 66 Roman Catholics and 64 Protestants. The manager of the first two schools is returned as the Rev. D. R. Nossy, &c. The third is a convent school, and the manager of the last, the Rev. Mr. McClelland. We shall now be glad to get any information bearing on the fund.

†GODFREY R. WILLE SANDFORD, Esq., J.P., sworn and examined.

Godfrey R. W.
Sandford, Esq.,
J.P.

1. Lord Justice FITZGERBON.—You are the son of Mr. Wille Sandford, who made the affidavit?—Yes.

2. Have you been managing the property?—I am not managing it now; I was for some time.

3. Do you know the history of the schools in Castleroa?—I have been making inquiries and I have got some information on the subject.

4. We are told that there are three schools under Roman Catholic management, and one under Protestant management?—Yes, the Convent school has been built since the affidavit was made by my father in 1885. It was built in 1887.

5. What do you know of the connexion of Lord Mount Sandford, or of your father, with any of those schools?—The school referred to in my father's affidavit has always been supported, and the master of it paid, by the estate. It was not under the National Board until the year 1875, when my father put it under the National Board, but reserved to himself the right of patronage and of nominating the master.

6. Who is the patron now?—I believe I am. I don't believe I was regularly appointed the patron, but I am recognised as such.

7. Mr. Justice O'BRIEN.—Does the estate contribute anything towards the maintenance of the school at present?—It does.

8. In what form?—By the payment of the salary of the teacher, and the maintenance of the schoolhouse.

9. Lord Justice FITZGERBON.—About how much is spent annually out of the estate on the school, do you know?—The master receives £50 a year, and there is also a workmistress for the girls.

10. The school repairs are executed at the cost of the estate?—Yes.

11. Does the National Board contribute anything except the salary of the master?—I believe not.

12. Can you explain how it was that no claim was ever made to this fund?—I cannot. I believe nothing was ever heard of it until after the death of Mr. William Digges Le Touche, in 1882 or 1883. The correspondence seems to have begun soon after that, when his affairs were being wound up.

13. It seems singular that for so many years the dividends should have accumulated?—It does. Mr. Le Touche was a personal friend of my father's, but if he knew about it he never mentioned the matter. My father told me he was not aware of it.

14. Are there any documents about it in the family or estate papers?—No.

15. Can you add anything to what is stated in your father's affidavit on the subject?—I cannot. We have made some local inquiries about it, and we propose to examine two or three people.

16. Rev. Dr. MOLLOY.—When was the school built of which you have the patronage?—The present schoolhouse was built about 1830. There was a school, as far as my information goes, standing within a short distance of it before, which was also partially maintained by the estate.

17. Lord Justice FITZGERBON.—Your father mentioned in his affidavit that the school "stood some distance outside the town, and was the only school at the time in or about Castleroa and continued to be so for several years." Do you know the position of that

old school?—We can fix it. That school was under the Board of Erasmus Smith, and stood some little distance outside the town.

18. Dr. TRAILL.—It was not built by Erasmus Smith's Board?—I could not say. I don't recollect it myself. As far as I can ascertain, that Erasmus Smith's school was in a very meritorious condition for a long time.

19. Lord Justice FITZGERBON.—Do you know whether the capital sum of £108 16s. 11d. stock still remains invested in the name of the Bishop of Elphin?—I do not.

20. Rev. Dr. MOLLOY.—At what time was that £108 odd not spent for "the school in Castleroa"?—I believe about 1801. I have a letter dated August 7, 1884, from Mr. Hercules McDonnell, secretary to the Commissioners of Donations and Bequests, addressed to my father, in which he says:—

"I was under the impression that I had informed you that the Court had made an order for the transfer of the fund to the Commissioners."

I presume the stock was at that time transferred to the Commissioners.

21. Rev. Dr. MOLLOY.—The affidavit says:—

"I believe that, in or about the year 1804, my ancestor, the first Lord Mount Sandford, bequeathed to Messrs. Le Touche a sum in cash to be held by them in trust for the school of Castleroa."

It does not appear from anything that we have before us, that any school existed in Castleroa at that time. The earliest one of which you have any knowledge was built in 1810?—I have no distinct knowledge of when the schools were built. I hoped to have a witness on that subject but she had to go to Athlone to-day. We have hearsay evidence that a school existed so long ago as 1788.

22. Mr. Justice O'BRIEN.—Did the contribution from the estate rest upon custom?—It was made so long as the proprietor of the estate chose to continue it. It was not a compulsory endowment.

23. Dr. TRAILL.—He paid the full salaries before the school was put under the National Board?—Yes.

24. Lord Justice FITZGERBON.—Do you know when the Erasmus Smith grant was withdrawn?—I cannot say; but the school was in existence up to 1836. I believe it was in a very meritorious condition for some time before then; the great gale of wind that occurred in that year blew off the roof, which, I believe, was never put on again. I understand that it was partly on account of the unsatisfactory condition of the Erasmus Smith school that my ancestor built the present school, which, as far as I can ascertain, was opened about 1830.

25. Then, according to your idea, the Erasmus Smith school and the other school both existed for some eight or nine years, from 1830 up to 1839?—Yes.

26. Is there any proposal that you wish to make regarding this fund?—We claim that this fund was left for entirely Protestant purposes, the evidence shows that—the facts that the money was given by Lord Mount Sandford—and that in 1811 the amount was invested in the name of the Bishop of Elphin. We suggest that the original capital and the accumulated interest should be rolled into one capital

* Appendix B. No I. (A), p. 132.

† See letter of this witness, App. B. No I. (B), p. 132.

and vested in trustees to be named by the Diocesan Synod of Elphin for the benefit of the Protestant school of Castlerea.

27. Mr. Justice O'BRIEN.—If in 1810 the then solely existing school of Castlerea had claimed this sum of money, in all probability, it would have been able to establish an exclusive claim to it. But it may be a wholly different question now, after a long lapse of time and after other institutions have come into existence.

Witness.—I believe that at the present time the only existing school in Castlerea, other than the one to which I allude, is the Convent School.

Rev. Patrick Henly, R.P., Castlerea.—There is a male school at our gate.

28. Mr. Justice O'BRIEN.—I thought you said that was discontinued.

Father Henly.—The school at Arns, mentioned in the return, was discontinued.

29. Rev. R. I. Ford, Rector of Kilkreeva, Castlerea.—I wish to read the following extracts from a letter written to the late Mr. Wills Sandford by the Rev. H. Handell, who is son of the gentleman who was rector of Castlerea at the beginning of the present century :—

"Rectory, Sandford, co. Galway,
"September 11th, 1884.

"The school was at the grand gate, was under the Board of Erasmus Smith. The house was built, I always heard, by some member of the Sandford family, aided by some grant extra from the Board of Erasmus Smith, or a fund that was called the Lord Lieutenant's fund. The payment of the master and mistress was from Erasmus Smith's Board, and there were pupils that paid, and pupils that did not pay. Sir William Wilde received the first rudiments of his education in this school. Ferguson was the first master appointed by my father, I think, about 1817 or 1818. As time passed on, your grandfather, as grandson to Lord Mount Sandford, was anxious to promote education in the parish, and Ferguson, though inefficient, could not be removed, and the school was too far from the town. A male and female school was set up in the town, and the school under Erasmus Smith had hardly any pupils. The grant from the Board was withdrawn, and Ferguson having died, all was broken up, and his wife was transferred to the female school in Castlerea, and then, after a time the present schoolhouse was built, and the old house went in decay, and was eventually pulled down. At that time the schools (with schools at Tarsmon) were put under the Kildare Place Society, and afterwards what was called the London Litherman Society, which eventually merged into the Church Education Society. It is manifest that the gift by Mr. Sandford was for the education of the people in the Protestant religion, as will be plain from looking out the rules and original documents as to the foundation of schools under the Board of Erasmus Smith, which can easily be obtained, as the Board is still in existence, although it applies its funds chiefly to schools like the Reading School, Achillee, Finnerone Garage, Sligo, and the school in Longford."

From that it would appear that the Erasmus Smith

School and this other school were going on at the same time, and that after the new one was erected the Erasmus Smith School died away.

Witness.—It seems that the grant from Erasmus Smith's Board was withdrawn before the school ceased to exist. It is probable that the grant was withdrawn about the time that the new school was built, although the school itself remained in existence for some years afterwards, until it was destroyed by the great storm.

30. Lord Justice FITZGERALD (to witness).—This money that we are dealing with does not appear to have been ever actually applied for the benefit of any school?—I believe not.

31. Dr. TRAILL.—I suppose the chief point of your evidence is that this is an estate school, and that the money was given for an estate school?—Yes, the school under Erasmus Smith's Board was, I believe, the property of the estate, and when it ceased to be a school, the materials of the house were used for estate purposes.

32. That was a condition generally connected with the Erasmus Smith schools, that whenever they withdrew their grants from any of the schools, they surrendered them to the landlord?—I don't know.

33. Lord Justice FITZGERALD.—That depended on the lease under which the school was held.

34. Rev. Dr. MOLLAY.—The only evidence we have as regards the trust in this case is, that the money was to be held by Mr. Le Touche in trust for "the school of Castlerea," and it does not appear that at that time there was any school in Castlerea.

Witness.—I had hoped to show you that there was a school so long ago as 1798; but the witness whom I intended to produce to show that has gone to Athlone.

35. Lord Justice FITZGERALD.—There are authorities to which we may refer for that, which will be better than traditional evidence. So long ago as between 1825 and 1830, the schools here were inspected—but by whom I can't say—probably the Kildare Place Society.

36. Rev. Dr. MOLLAY.—If these schools existed at that time in Castlerea, would they not have put forward their claims to this money?—I presume they would if they had looked after their own interests.

Lord Justice FITZGERALD.—This decretal fund must have been intended for something.

37. Mr. Justice O'BRIEN.—When did Lord Mount Sandford die?—The first Lord Mount Sandford died in December, 1814. There were three Lord Mount Sandfords; the title only came into existence in 1809.

The Rev. R. I. Ford, Rector of Kilkreeva, sworn and examined.

38. Lord Justice FITZGERALD.—You are now the manager of the school which is contributed to by the Mount Sandford estate?—Yes.

39. How long have you been manager?—Since January last.

40. Who is the patron of the school?—Mr. Wills Sandford.

41. Who is the manager?—I was appointed manager by Mr. Wills Sandford.

42. You are not manager ex-officio?—No.

43. What is the present attendance?—About 40.

44. To what denominations do the pupils belong?—About 9 are Roman Catholics and the remainder are Protestants.

45. What teaching staff have you?—A master, a workmistress, and a mistress.

46. Is your attendance sufficient to entitle you to these three under the National Board?—Yes.

47. Are the Protestants all members of your own Church?—Three or four are Plymouth Brethren.

48. Has the attendance been mixed as long as you have known the school?—Yes.

49. Mr. Justice O'BRIEN.—From what classes are your pupils drawn?—We have one family belonging to laborers. There are children of farmers and of some shopkeepers.

50. Lord Justice FITZGERALD.—What is the classification of your master?—Third class, first division.

51. What attendance does your school get from the estate?—£50 a year.

52. Is that paid to the master, or do you provide for repairs out of it? It is paid to the master. The estate and ourselves provide for repairs. I expended £45 in that way this year on the building.

53. Is there any information that you wish to give as to what ought to be done with the fund?—As far as I

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Geddy R. W.
Sandford.
Esq., J.P.

Rev. R.
Ford.

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Rev. R. L.
Lent.

can gather, it was left for that school by the original donor.

54. Or rather for the school, of which you say this is the successor?—Yes, and for education carried on upon the same principle on which it was carried on in those days.

55. Dr. TRAILL.—Do you think that if Lord Mount Sandford were alive now he would distribute the money amongst the other schools that do not belong to the estate?—If we can gather his mind from what has been done in the past there is no evidence that he ever gave any grant to any other schools, except that one and its predecessors.

56. And all his successors have continued to give grants to the estate schools?—To the estate schools.

57. Lord Justice FRITHGIBSON.—That cuts both ways. The extraordinary thing is that having given this grant, he seems to have neglected the money altogether?—I can't explain that; I think it was the fault

of the people who had the administration of the fund not to have called attention to it.

58. Do you know anything about the fund given to the "Drovers Poor"?—Nothing. I do not know that funds were given by the same person.

59. (To Mr. Wills Sandford.)—Do you know, Mr. Sandford, whether any ancestor of yours had anything to do with the "Drovers Poor," or with "Minchin and Chapman," or with the "Executors of Newcombe"?—I do not. I don't think there is any evidence that these funds were supplied by Lord Mount Sandford. As far as I know, these sums were placed in the hands of the La Touche as trustees by others.

60. Is this £1,000 the account of one customer of the bank, or of four separate customers, of whom the donor to the Castleross School was only one?—I cannot tell. There is no Drover in this neighbourhood.

61. And you know nothing of the names "Newcombe," or "Minchin and Chapman," as having anything to do with your estate?—No.

JAMES VAUGHAN sworn and examined.

James
Vaughan.

62. Lord Justice FRITHGIBSON.—How long do you remember the present Castleross School?—Since it was built.

63. Before that school was built do you remember any other schools in Castleross?—No, there were several teachers in the town but I never knew any large school.

64. I don't want private teachers. Do you remember the Erasmus Smith's School?—I do; but it was outside the town—about a quarter of a mile off.

65. At the time you remember the Erasmus Smith School, before the other one was built, was there any other school in the town?—Not that I know of.

66. Mr. Justice O'BRIEN.—How old are you?—Over seventy.

67. Lord Justice FRITHGIBSON.—Can you give us any idea when the present school was built?—I cannot give you dates, but I recollect it well.

68. Were you a grown man or a boy at the time?—I was a chap.

69. Were you ever at school there?—I was.

70. Rev. Dr. MOLLOY.—Was that over sixty years ago?—I cannot give you dates.

71. Lord Justice FRITHGIBSON.—How many pupils were attending that school in your early days?—A good many.

72. Were there any other schools in Castleross at that time?—Not that I know of. Other masters taught in the town; but I did not know of any school but itself.

73. Was there any separate school to which Roman Catholic children went at the time you speak of, or did all go to this school?—I don't know.

74. Are you a Protestant or Catholic?—I am a Protestant.

75. Rev. Dr. MOLLOY.—Were they all Protestants at that school, or were there some Catholics?—I could not say, it is so long ago now, what they were.

76. Were there a church and a chapel in Castleross in those times?—There were—just where they are now.

77. Mr. Justice O'BRIEN.—Are there not Catholic tenants on the estate of Lord Mount Sandford?

Mr. Wills Sandford.—Yes.

MICHAEL CALLAGHAN sworn and examined.

Michael
Callaghan.

78. Lord Justice FRITHGIBSON.—Do you remember the old schools of Castleross?—Yes.

79. How far back does your memory go?—About 54 or 55 years.

80. Do you remember the building of the present school?—I was going to Erasmus Smith's school when the other was built.

81. How many pupils attended Erasmus Smith's school?—About 150.

82. Was there any other large school at that time in Castleross?—There were some private schools, but no public school, or school for the poor, that I know of.

83. Did you afterwards go to the existing school?—I did.

84. What became of Erasmus Smith's school?—After the great storm it was in such a dilapidated state that they would not repair it.

85. Was it a working school up to the time of the storm?—It was. After that it was not; it was all transferred to the present school.

86. What was the largest number of pupils you remember at the present school?—I have often seen 120 or 180, and there might be more.

87. Dr. TRAILL.—Do you remember any schoolmaster at this school?—I remember a man named Daniel Tigue. I was going to him

88. How many schoolmasters do you remember?—I think about four.

89. Were they Protestant or Roman Catholic?—Protestant.

90. Were there any assistants?—There were.

91. Were they Protestant or Roman Catholic?—I think they were Protestants.

92. Rev. Dr. MOLLOY.—Do you remember the great storm of 1839?—I do.

93. Were you going to the school up to that time?—Yes, I was a little fellow going to Mrs. Ferguson, the mistress.

94. Lord Justice FRITHGIBSON.—Was that the wife of the schoolmaster mentioned in Mr. Standell's letter?—Her husband kept the male school.

95. Dr. TRAILL.—What age are you?—About sixty.

96. Rev. Dr. MOLLOY.—Do you think that practically all the boys that were getting education in Castleross at that time were going to Erasmus Smith's School?—Yes, it was the only public school that I knew.

97. Lord Justice FRITHGIBSON.—For some time, as I understand, the new school was the only public school after the Erasmus Smith's school died away?—Yes.

The Rev. PATRICK HANLY, P.P., sworn and examined.

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Rev. Patrick Hanly, P.P.

98. Lord Justice FITZGERALD.—You are the parish priest of Castleroa?—The administrator.

99. How long have you been acquainted with the parish?—Since April, 1887.

100. What schools have you got under your management in the parish of Castleroa?—I am the manager of only one at present.

101. Which is that?—The male National School of Castleroa.

102. When was the school opened of which you are now the manager?—I am informed about thirty-six years ago. It was not known as the "male school" until very recently. It was a double school, divided into two apartments; a female school and a male school. Since the convent school was established, a few years ago, the female school was discontinued.

103. Until the convent school was opened, was yours the only school under Roman Catholic management?—The only one.

104. The convent school, when established, took away the females?—Yes.

105. And the other was continued as a male school?—As a male school. You alluded a few times to a school called "St. Patrick's School," or the "Arm School." That was a grammar school, conducted by a Mr. Kelly, a classical teacher, and it has been discontinued. It was not very long in existence.

106. We have a "return here from the Secretary of the National Board, giving the roll number of St. Patrick's mixed National School as 11,719; stating that it was taken into connection with the Board on March 1, 1878; and that it was attended at the date of this return by 77 pupils, of whom two were Protestants, and 75 Roman Catholics. Has that school been since discontinued?—Yes.

107. The first school on the same return, roll number 1065, is called the Castleroa Male School; date of foundation, 1825; taken into connection, May 26, 1833; stated to have 183 pupils, all Roman Catholics, in attendance; and to be under the management of the Rev. T. F. Neary, P.P., of Castleroa, in 1835?—That's the school we have at present; but the house is now enlarged. The female department has been discontinued, and the children drafted into the convent school.

108. That school is stated to have been originally called "The Arm National School"; and it is mentioned that the house was much too small, being capable of accommodating not more than half the pupils who were in attendance?—I am placing the Arm school in the village of Arm.

109. Then, according to your impression, it was a mistake in this return, to say that your Castleroa School, founded in 1825, was ever called the "Arm School"?—I am informed that the village round the present school is called Arm.

110. Mr. Justice O'BRIEN.—What number of pupils have you in your school?—Last year there

were 104 on the roll of the male school, and the average attendance was 62.

111. I suppose you know the school called the Castleroa School, of which the Rev. Mr. Ford is manager?—I know it.

112. Are the pupils who attend that school of the same class, in general, as those who attend the male school of which you are the manager?—Pretty much the same.

113. Lord Justice FITZGERALD.—I want to go on with the return. The next is "Castleroa Female School;" roll number 6,156; date of foundation, September, 1850; taken into connection September 1, 1850; stated to have an attendance of 311 Roman Catholic girls, and to be under the management of the parish priest. Do you know anything of that school?—That is the female school, which has been discontinued, and the pupils are now attending the Convent School. It was held under the same roof as the Male School, but with a different roll number.

114. About how many girls are attending the Convent School?—There are 408 children on the roll, and 340 is about the average attendance during the year; but of these between 90 and 95 are infant boys.

115. What are your views about this matter that we are inquiring into?—I have not very well defined views, because I am not very long in charge of the parish. The only matter that I would ask is an interpretation of the phrase "The Castleroa School." I think it was stated once or twice that there was no school in Castleroa in 1801, except the one that was endowed.

116. Mr. Justice O'BRIEN.—There are said to have been miscellaneous schools of some kind?—I believe so. There are some in Court who can inform you as to that.

117. Lord Justice FITZGERALD.—But it was not a private school that was meant. Are you aware of there having been any other public school for the poorer class of pupils in Castleroa except the estate school?—I am depending on hearsay altogether, but I was told that there was a school specially for poor children in Castleroa.

118. Dr. TRAILL.—Do you think the owner of the estate would contribute to a school that was in opposition to the estate school?—No. I would not say so at all. I would not think that they would endow such a school. I don't know what the intentions of the donor were.

119. Is it not a usual thing for estates to contribute to their own schools?—It is. I believe it must have been the school that he was patron of.

120. Lord Justice FITZGERALD.—Do you make any claim for your school?—I make no claim whatever. I was surprised when I heard of this inquiry.

121. Dr. TRAILL.—Do you think the proper claimant would be the school that belongs to the estate?—I have no opinion on it. I am just answering the questions that are asked.

JAMES EGAN sworn and examined.

122. Lord Justice FITZGERALD.—What is your age?—Seventy-three. I was born in 1817.

123. What schools were in Castleroa when you remember them first?—There were three or four schools. There was one kept by a man named Andy Dean; and there were others kept by Mick Byrne, Larry Flynn, and a man named Hannelly. Andy Dean's school was the largest.

124. How many pupils were in it?—About 250. It was a large school.

125. Were all his pupils boys who paid him?—Yes. I believe so.

126. Was it a private school that the master ran on his own account?—I believe so.

127. Were the others of the same character?—They were.

128. Besides these, do you remember any school that was connected with the estate?—There was a school outside the town; I don't know whether it was connected with the estate or not.

129. Is that the school that we have been calling the estate school?—I believe it is.

130. Did you know Lord Mount Sandford?—I did not know them, except the young lord; I knew him

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very well. I remember the big dinner he gave when he came of age.

131. In what year was that?—In 1826.

132. How were the children divided amongst the schools. Was it by religion, or by their being able to pay, or from their being the children of tenants?—The school that I was going to was a mixed school; I believe the bulk of them were Catholics, but there were some Protestant children.

133. That was Andy Dane's large school, with the 250 pupils?—Yes.

134. He attracted pupils of both religions?—There were some of both.

135. And all paid fees?—I believe so. I paid, or at least my father did.

136. Do you know whether the estate school was a free school?—I think it was.

137. Was there a better class of children going to the paying private school than to that?—The bulk of the town children went to where I was going.

138. Are you a Catholic or a Protestant?—I am a Catholic.

139. Dr. TRAILL.—Do you remember the building of the new school?—I do.

140. In what year was that?—About 1850 or 1852.

141. Lord Justice FITZGERSON.—Do you know Father Hanly's present school?—I do.

142. How long do you remember it?—I did not keep an account.

143. We have a return that the school was founded in 1825, and that it became a National Board School in 1833?—I know that there was a school at Arne about that time. It was a free school, and was just on the borders of the town.

144. Rev. Dr. MOLLOY.—Can you say if the school you went to was on the same site as Father Hanly's present school?—I believe it was not.

145. Lord Justice FITZGERSON.—Was it held in a schoolhouse or in a private house?—It was a schoolhouse; it was a large building.

146. Rev. Dr. MOLLOY.—About what time did you leave it?—Something about 1830.

147. Lord Justice FITZGERSON.—Was it in the same building that Father Hanly's school is in now?—No.

148. Dr. TRAILL.—Was there always an estate school?—I could not say whether there was or not.

149. Don't you remember the building of this one?—I remember it.

150. Was that the estate school?—I could not tell you. I believe it was a free school. That's all I know about it.

151. By whom do you think it was kept up if it was free?—I could not tell you.

152. Rev. Dr. MOLLOY (to Father Hanly).—Father Hanly, in case it turns out that this fund, which nobody has ever claimed, was intended to be held in trust for the school of Castlereagh, do you think your school has as good a claim to be included under that designation as any other school here? At present your school is a school of Castlereagh.—Yes.

153. And is as good as any other school in Castlereagh?—Well, it might be invidious to pronounce on that point.

154. Professor DOUGHERTY.—Have you ever asked any grant from the estate?—I think not.

155. Lord Justice FITZGERSON.—How did you get your building?—The buildings were got up by subscriptions from the people; they got a grant for the new school—the convent school—from the Board. We built it to accommodate 1,000 children, and we got a grant for £400.

156. Dr. TRAILL.—Was your school in existence in 1891—the male school of the town?—Oh, no.

157. I suppose your school was not in existence in 1801?—The present schoolhouse was not; but I was told that there was a school at that time in the town.

158. Then money left in 1801 for Castlereagh school could not possibly be intended for your school, nor the present school?—I suppose not.

159. Mr. Justice O'BRIEN.—There are two views of the matter. The one which Dr. Trill takes is the hereditary view of the question; and there is another view besides that of hereditary descent. Suppose that this £311 fell out of the sky with a paper on it labelled "for the Castlereagh schools." I suppose you would come in and say that you had a right to a share of it as well as anybody else?—Precisely; but Dr. Trill asked me whether I claimed a share of the money. I told him that if the intention of the donor was to be taken into account I should say "no," that was the meaning of my answer to his question. If it fell down from the heavens to us in a heap even I suppose we should go in for a share of it.

Rev. Mr. Ford.—Andy Dane was a Protestant, and his school was a private school.

160. Lord Justice FITZGERSON (to witness).—Was Andy Dane a Protestant or a Catholic?—He was a Protestant.

Rev. Mr. Ford.—It was hedge school. Andy Dane died in 1828. He taught in the old hall-room on the other side of the street. Father Hanly's school never obtained to have been there.

The inquiry then terminated.

PUBLIC SITTING—MONDAY, OCTOBER 13, 1890.

At the Courthouse, Newport.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and ANTHONY TRILL, Esq., LL.D., M.D., F.R.C.S., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

NEWPORT ENDOWED SCHOOL.

Lord Justice FITZGERSON.—The matter of the Newport School and its endowment was brought before the Commission on January 25, 1890, on an application from the Rev. Samuel Johnston, manager of the school, for the settlement of a scheme. The endowment was given by the Rev. Agmondisham Vesey of Newport, a clergyman of the

then Established Church, by will dated January 30, 1780, containing the following provisions:—

"Whereas Sir Neale O'Donnell and I did jointly allocate a sum of money towards the purposes of founding a perpetual English school in Newport (Mr. Modest being then Lord of the Manor of Borthwick); and Sir Neale O'Donnell hath now some time in his hands the said sum;

Oct. 12, 1830.

and whereas it is well known to me that by due management a school hath been kept and many things have been done towards effectuating the aforesaid purposes; and by a statement of all accounts relative to the school made by Sir Neale O'Donnell and me in March, 1788, it was settled under Sir Neale's hand that Sir Neale O'Donnell should secure or lend a perpetual annuity commencing from March 23, 1789, for the use of the said school, and should perfect a perpetual lease of an house and garden for the school, and that it was acknowledged besides under Sir Neale's hand that he still had (beside the allowed considerations for all the aforesaid) a certain sum to be applied towards the perfecting the house and furniture (the particulars of all such Sir N. O'Donnell's engagements and acknowledgments being deposited in the custody of Mr. Joseph Crawford, who kindly and greatly hath helped and doth help the works of the Church and of the Schoolhouse gratis). Now, as far as in me lieth, I do will and order that that annuity and remaining money and everything relative to the said Schoolhouse, &c., be carried forward into due effect with all convenient speed after my decease so far as it shall appear that the same hath not been done to the extent of the ability of the funds before my decease.

"And I do appoint the Archbishop of Tuam for the time being, or some proper person by him deputed, the Earl of Almondeston for the time being, or the next of kin in blood to him who shall be near to home and at convenient age, and Lord Lonsdale for the time being, and the husband of the Tyrone estate for the time being, or the majority of them, or any two of them if no more shall attend, or even any one of them if no more shall attend, to act at any time as trustee or trustees for ever for causing that the aforesaid allocated funds for the said school shall be applied by the Lord of the Manor of Burrischoole for ever according to the plain purport of this will. As far as in me lieth, and appointing these trustees, because the Commission is to be for ever, and not but that I am thoroughly satisfied by all the past accurate conduct of Sir Neale O'Donnell in these matters, that he will of his own motion provide as well as he can for the perpetual effectuation of his and mine original purpose, agreeably to the same original purposes, I continue to will that the right of naming the Master of the School for Newport shall be in the Lord of the Manor of Burrischoole, or in the Manager or the guardian of Burrischoole Estate and Manor, in case of the Manor Lord's absence or minority. And I will that the Master shall not hold with the Mastership any other office excepting that of the parish clerkship, while the Minister of the parish shall choose to name to the clerkship the person by another named to the Mastership of the Manor School, which school shall not be deemed the Minister Parish School unless the said Minister shall allow out of his own pocket at sterling a year, either to the Master towards helping to keep an assistant whose numbers through the school is wanted from remote parts of the parish, or towards some school use. The Diocesan Ordinary will be always pleased to grant his license to the Master nominated as above, unless some material objection shall be proved against him, and if at any time a material objection shall be proved against the person in office, the Ordinary of the Diocese will then withdraw his license, and the person nominated to

nominate shall, within six calendar months, nominate another, paying a license for him. And, if at any time, the person entitled to nominate shall omit to nominate a proper person so long as six calendar months on any vacancy of the Mastership (let the vacancy have happened how it will), in that case the Ordinary of the Diocese shall nominate for that term, and the person by him put in shall hold the office till a material objection shall be proved against him, and whatever savings there shall be made at any time out of the annuity, whether by vacancy of the Mastership or by allowing only contracted salaries, I will that all such savings shall still be applied to some proper use for the school or schoolhouse, and I request and authorize some one or more of the aforesaid trustees, with the Lord of the Manor of Burrischoole, that they shall, from time to time, adjudge what portion or portions of the annuity shall be allowed as salaries for the Teacher or Teachers, male or female, in the said school, and what portion shall be reserved for other uses, such as house repairs or improvements, house rent or other requisites. The things to be taught in this school shall be confined to the plain reading and writing English, plain arithmetic in its single branch, and plain account keeping, needlework, and plain sentences of uncontroversial Christian faith and good morals, according to the Holy Bible, or to plain fair extracts thence taken according to reason, without additions from traditions or legends, or from anything of the new fancies of inward sensations, violent of the operations of the Holy Spirit. The trustees thus keeping the school to things rational, Scriptural and worldly useful, the school being chiefly for those of middling and low rank, who are to be guarded against idleness, expensiveness, and enthusiasm."

The will then directs the trustees to provide a house and salary for an English schoolmaster; and directs—

"That the regulations for another school the Kilmina School, shall be the same as far as may be as those for Newport School, only on a narrower scale, as the means for Kilmina School will be much more scanty."

Then there are provisions that Sir Neale O'Donnell shall in a year and a day after his decease show to His Grace the Lord Archbishop of Tuam or to his Vicar-General what his assets would be likely to be for the purposes of the schools.

There is also a codicil in which he directs in case the trustees for Kilmina School should adjudge his assets too inconsiderable for founding a school for Kilmina parish, that his assets should be adjuded to what had already been given for the Newport school.

The property on which the annuity was charged was sold, and £543 New Three per cent Stock, producing £8 1s 4d half-yearly, was produced, and vested in the names of the Right Hon. T. Pincket, Bishop of Tuam, and George John, Marquis of Sligo. The Schoolhouse became vested in the Commissioners of Charitable Donations and Bequests.

The Rev. SAMUEL JOHNSON, Rector of Newport, sworn and examined.

161. Lord Justice FLEMING.—How long have you been the Rector of Newport parish?—I was instituted on July 12, 1877.

162. Is the Newport School still in existence?—Yes.

163. Of what do the school premises consist?—They consist of a boys school, with a girls school underneath—which is not used now—and upstairs a schoolroom, used at present for a mixed school; a teacher's residence; a yard and offices; and two small gardens.

164. About what quantity of land?—Less than half an acre.

165. Is the school in connexion with the National Board?—It is.

166. How long has it been so?—Since 1878.

167. Who is the manager?—I am. After I came I put it into connexion with the National Board on my own responsibility.

168. How did the premises become vested in the Commissioners of Charitable Donations and Bequests?—Except from some very old correspondence, I have

no other means of knowing. In an old letter which I found among the school papers it is stated by M^r O'Connell & Petherston, solicitors to the Commissioners, that the property in the school premises and gardens was vested in the Commissioners of Charitable Donations and Bequests by Sir Neale O'Donnell in 1825 under a statute of George IV.

169. Is any rent payable for the property?—There is no rent paid for the schoolhouse and premises. There is a rent of 1s. a year paid for some ground which the late Sir Richard O'Donnell gave to my predecessor, Mr. Roe, as a playground—a little triangle adjoining the schoolhouse.

170. Is that a yearly tenancy?—Yes; but it is quite independent of the schoolhouse premises.

171. Do the Commissioners of Charitable Donations and Bequests undertake any duty about the matter beyond holding the property?—No. I never had any communication with them.

172. How is the building kept in repair?—By voluntary subscriptions—local help.

Rev. Samuel Johnson.

Oct 25, 1882
Rev. James
Johnston.

173. What endowment have you?—While the Government Stock paid 3 per cent. the endowment was £16 2s. 8d., per annum or £5 1s. 4d. half yearly. Now it is £13 or £14 yearly.

174. In whose name is the stock?—The surviving trustee is the Marquis of Sligo. The stock was originally invested in the joint names of the Bishop of Tuam and the Marquis of Sligo.

175. Was it voted in the name of the Bishop of Tuam as Bishop, or as an individual?—No, Lord Plunket, was named, being the legitimate successor of one of the original trustees mentioned in Mr. Vesey's will.

176. Was a new trustee appointed in his place?—No successor was ever formally appointed.

177. Then the stock is now standing in the sole name of the Marquis of Sligo as surviving trustee?—Yes.

178. How do the dividends reach you?—Every half year through Mr. Powell, Lord Sligo's agent; they are sent to him by a stockbroker in Dublin.

179. We have a letter from Lord Sligo stating that he is unwell and cannot attend; that some years ago a friend asked him to fill the vacancy in the trustees, which he did; and that since that time the amount has been paid to his agent at Westport, and by him sent to Newport. How is the money spent?—In part payment of the teacher's salary.

180. Mr. Justice O'BRIEN.—What is the amount of the salary?—At the time I sent forward the papers the salary amounted to about £40.

181. Lord Justice FITZGERSON.—What is the attendance at the school?—There are twenty-seven children on the roll, with an average attendance of twenty or twenty-one.

182. Then it is below what is necessary to entitle the master to a class salary?—Yes. He is paid by capitation fee.

183. Mr. Justice O'BRIEN.—Is it a male and female school?—Yes; a mixed school under a female teacher.

184. Lord Justice FITZGERSON.—Besides the capitation grant and results fees from the National Board, and the income of the endowment, what other endowments has she?—She has local subscriptions which make up her salary to £30—that is, in addition to the interest of the endowment, she has about £30.

185. Are the children who attend all Protestants?—All Protestants.

186. Has there been at any time since you came here any attendance of Roman Catholics, or of others?—No Roman Catholics. Some Presbyterian children attend.

187. Is there any other school under Protestant management in the neighbourhood?—There is a small Presbyterian school in the town, supported by the Presbyterian Connanght Mission.

188. Mr. Justice O'BRIEN.—What schools do the Catholic children attend?—The Convent School, and a boys National School.

189. Your desire for a scheme is, I presume, chiefly with the object of securing the property?—Chiefly with that object.

190. You ask that the school shall be called the Newport School of the Church of Ireland; that a manager shall be appointed in accordance with the provisions of the will?—Yes.

191. Who now represents the Lord of the Manor of Burishole?—Mr. E. Thomas O'Donnell. At the time of the will it belonged to the Medlicott family; Sir Neale O'Donnell represented a different estate.

192. Who has had the appointment of the teacher up to the present time?—As a matter of fact, I have appointed him, at the same time reserving the right of the Lord of the Manor.

193. Are you the manager of the school?—Yes, I am person and manager.

194. Are you so as incumbent of the parish?—As incumbent of the parish, of course.

195. Dr. TRAILL.—I suppose when you applied to the National Board for capitation fees you applied as incumbent?—Certainly, and as manager of the school under the provisions of Mr. Vesey's will.

196. Lord Justice FITZGERSON.—Mr. Johnston's application asks that the educational advantages of the school shall be open to all pupils irrespective of their religious denominations; that the school instruction shall consist of the various branches of English education; that the religious instruction shall be in conformity with the principles of the Church of Ireland; that a time shall be set apart for religious instruction, and that no pupil shall be compelled to be present at it against his will; that when instruction in Church formularies is given pupils of no other religious denomination shall be present without the consent of their parents; that the school premises shall remain vested in the Commissioners of Charitable Donations and Bequests; and that the endowments shall remain vested as before.

Witness.—I should like that for the trustees there should be substituted the Educational Endowments Trustees of the Diocese of Tuam, namely, the Bishop of Tuam, the Dean of Tuam, the Archbishop of Tuam, Major Lepell, and Mr. Livingstone of Westport.

197. Dr. TRAILL.—Would you like to put it under the Educational Scheme of the diocese?—Yes; as has been done for other dioceses. About two years ago our Diocesan Synod appointed these trustees.

198. Lord Justice FITZGERSON.—If that be done they should be bound to apply the funds, as long as possible, for the benefit of the school here; it is only in the event of the school failing, and with the consent of the people concerned here, that the funds could be applied elsewhere.

199. How many children are attending the Presbyterian School?—From twelve to fourteen, including the Scripture reader's family.

200. How many registered vestrymen have you in the parish?—About twenty-five.

201. Is it a large parish?—It is a very extensive parish geographically.

202. Is it too large for children to come to the Newport School?—From the remote districts it is.

203. During your time what was the largest number of children you have had?—About fifty-five on the roll immediately after we put it under the National Board, when I got a teacher with a large family, some five or six children. He got his class salary as long as he lived—three or four years—and his successor also got his class salary. Since then the attendance has ranged from twenty to twenty-five; the number has been about twenty for the last two years.

204. What is the teacher's class?—First of the second.

205. Professor DOUGHERTY.—Have you any children of the police or constables?—We have had; unfortunately we have not any just at present, and that is one of the reasons why our school is rather small.

206. Mr. Justice O'BRIEN.—Why do the policemen's children no longer attend?—Because the married police have been transferred to other districts, and they did not send us married men.

207. Do many members of your denomination attend the National schools here?—Three Protestant boys, of whom one is about fifteen years of age, and whose parents thought they were rather advanced for a female teacher.

208. Professor DOUGHERTY.—Is there any other Protestant school in the parish?—I don't mean in the town?—No.

209. Dr. TRAILL.—What schools do the only Protestant in the remote districts attend?—They attend the National schools.

210. Lord Justice FITZGERSON.—You have no objection that there should be a separate scheme for this school, it is a separate endowment, with separate

trusts: if it should be vested in your Diocesan Board, its trusts should be separately provided for, and not merely merged in the Diocesan Scheme—I think it should be a separate trust.

211. Mr. Justice O'BRIEN.—You had better send the money to the Commissioners of Charitable Donations and Bequests; it will cost a great deal less to keep it there.

Witness.—As far as I am concerned I have not the least objection.

212. Mr. Justice O'BRIEN.—As one of the Commissioners myself I can say that the tendency of all the charities in Ireland is to place their money under the Commissioners.

Lord Justice FRYGROVE.—They transmit the dividends without expense.

Witness.—I should like that the trustees should have power to invest the money in other than Government securities.

213. Mr. Justice O'BRIEN.—That might produce a larger income. The Commissioners of Charitable Donations would only invest it in the ordinary Government Funds.

Witness.—Would not the Diocesan Trustees be incorporated as a public body?

214. Mr. Justice O'BRIEN.—They would be a scheme. Is there anything in your religious instruction requiring the Presbyterian body to have a school of their own?—Not at all. We never interfere with the religious views of any of our pupils. But the Presbyterians have had this school as a mission school for many years, and I think that they keep it up for congregational as well as educational purposes.

215. Dr. TRAILL.—Have they a teacher resident here?—Yes.

216. For the twelve children?—Yes, I think there are not more than twelve.

217. Mr. Justice O'BRIEN.—I suppose Sir Neale O'Donnell was a Protestant?—Yes.

218. And Mr. Thomas O'Donnell is one?—Yes.

219. I suppose you never admitted any share on the part of Catholics to participate in the endowment?—We never hindered them from participating in the benefits of the school.

Mr. Justice O'BRIEN.—They won't go near you. You may be quite satisfied of that.

Oct. 18, 1890
Rev. Samuel Johnston

R. THOMAS O'DONNELL, J.P., examined.

220. Lord Justice FRYGROVE.—Is there anything that you can tell us?—I don't think so. Mr. Johnston knows a great deal more about it.

221. Lord Justice FRYGROVE.—There is a suggestion that in the event of this school failing, the money should be applicable anywhere else in the diocese of Tuam. In that event it would be necessary to dispose of the schoolhouse. In some cases we have provided that the schoolhouse should be sold subject to a right of pre-emption by the lord of the soil, or that he should have notice.

Mr. O'Donnell.—I think decidedly that the lord of the soil ought to have a right of pre-emption.

222. Dr. TRAILL.—What was the nature of the lease?—A lease in perpetuity.

223. Was there a clause of reversion to the landlord in case the school ceased?—I think not.

224. Mr. Justice O'BRIEN.—There is no written

lease in existence?—Not that I have heard of. I think decidedly that the landlord ought to have the right of pre-emption, if the land is going to be sold.

225. Lord Justice FRYGROVE.—Was it originally a free grant from him?—It must have been, because the land on either side belongs to the landlord.

226. Lord Justice FRYGROVE (to the Rev. Patrick Greely, P.P.).—You are parish priest of Newport; is there anything that you wish to say?

Rev. Patrick Greely, P.P.—Nothing.

227. Lord Justice FRYGROVE.—We have read the will, and I think the provisions hardly suit you.

Mr. Justice O'BRIEN.—It is entirely for one denomination.

Lord Justice FRYGROVE.—We shall be glad to hear from you what provision for education the Roman Catholics have.

R. Thomas O'Donnell, J.P.

THE REV. PATRICK GREELY, P.P., NEWPORT, EXAMINED.

228. Lord Justice FRYGROVE.—What provision for education have you?—We have a Convent school with 300 children attending it, girls, and infant boys up to nine years of age.

229. To what order does the convent belong?—To the Sisters of Mercy.

230. They teach the National Board course?—The ordinary National Board course.

231. What boys school have you?—We have a National school for boys in the town under a free-school teacher. I am the manager.

232. Mr. Justice O'BRIEN.—What number of pupils attend that school?—There are about eighty boys on the roll.

233. All the enrolments are on one side and all the education on the other?—We have seven or eight other National schools besides in the parish.

234. Lord Justice FRYGROVE.—What is the population of Newport?—Between 700 and 800. The Catholic population of the whole parish is about 4,000.

235. What means have you of keeping your school buildings up?—Some of the schools that are vested in the Commissioners are kept in repair by them. And the schools that are vested in trustees are kept in repair by the trustees.

236. Which of your schools are vested in the Commissioners?—Newport Male, Kilmore Male, Rosedale Mixed, Derada Mixed, Skindagh Mixed, Trim-

beg Mixed, are vested in the Commissioners. Kilmore Female, Rosedale Mixed, Knocklonga Mixed, and Letteragh Mixed were built by myself, and are vested in trustees.

237. How were these schools built?—On free grants of two-thirds from the Commissioners. They are vested in local trustees. I have four schools vested in local trustees.

238. How do you keep them up?—By collections from the people, or by assistance from a diocesan fund, and the manager may contribute a few pounds himself.

239. Professor DOUGHERTY.—Is that vesting in local trustees recent?—It is not; it was always in existence.

240. Lord Justice FRYGROVE.—In some dioceses the practice of vesting National Schools in trustees was not approved of. I believe Cardinal Cullen was for a time under a misapprehension about the effect of it; and it was only afterwards, when Cardinal McOole succeeded him, that it was approved of.

Witness.—It was only within the last ten or eleven years that we have been allowed to take grants from the Commissioners.

241. Mr. Justice O'BRIEN.—Is there any diocesan fund out of which aid is given to these schools?—Yes. We have a collection every year in this diocese for educational purposes; and some of that collection is given for building and assisting to build National Schools, and keeping them in repair.

Oct. 12, 1890.

Rev. Patrick
Grealy.

242. Dr. TRAILL.—When did you vest the other schools in the Commissioners—was that a recent change?—It was only within the last ten or eleven years that we began to build at all with grants from the National Board. I could not tell you when the other schools were vested in the Commissioners—they are old schools, thirty or forty years old.

243. Lord Justice FRIZGIBSON.—We passed a school to-day which was remarkably well kept. Is that done by the diocesan fund you speak of?—I cannot tell what school you are alluding to.

244. One that we passed about two miles outside the town?—That is Rossmore. It is vested in and kept in repair by the Commissioners, and I am the manager of it.

245. Dr. TRAILL.—How are these schools held?—The landlords that made the leases of those schools vested them direct in the Commissioners.

246. Mr. Justice O'BRIEN.—You never contended that you or the Catholic body had any claim to any part of this endowment?—Oh, no, never at all.

247. It appears to be a strictly denominational endowment?—In fact I did not know anything at all about it until I heard of this inquiry. If you could give any promise about Intermediate education in the neighbourhood it would be desirable.

248. Professor DOUGHERTY.—Have you any Intermediate school in the neighbourhood?—Not one.

249. Mr. Justice O'BRIEN.—Is there no means of advancing from the National schools to Intermediate schools?—No, unless the Commission assists us.

250. Lord Justice FRIZGIBSON.—Have you any building suitable for an Intermediate school?

Rev. Mr. Johnston.—We have a disused workhouse.

251. Lord Justice FRIZGIBSON.—Where do the sons of the resident gentry and people of the better class get their education in this part of the world?

Rev. Mr. Johnston.—I don't think we have any of them.

Wimons.—They go to higher schools in Dublin and in England.

252. Amongst the Roman Catholics, where do the well-to-do farmers and shopkeepers send their children to school?—They send them to the Jesuits, the Vincentians, and the Dominican Colleges. There is a local diocesan college in Tuam.

253. Have you any private teachers?—There is not a teacher in the district.

254. Mr. Justice O'BRIEN.—Is there an Intermediate teacher in Westport?

Rev. Mr. Colgan, c.c.—No, except the Christian Brothers. They have a school in Westport, where boys are prepared for the Intermediate. You will find talent of a very high order there along the seaboard, and the National system being defective, very smart boys cannot go beyond the fifth or sixth class, hence nothing is left them but to return to the seaweed, the spade and harrow. I would consider this a very great evil which could be easily remedied by making a grant for an Intermediate school where boys could be prepared to compete for positions which would bring them a livelihood, and from which they are now debarred.

255. There are no Christian Brothers here?—Father Colgan.—No; not nearer than Westport.

256. Lord Justice FRIZGIBSON.—This is a private and local endowment, and we will not publish a draft Scheme without communicating with Mr. Thomas O'Donnell, the Rev. Mr. Johnston, and Lord Sligo. He is only anxious to have the trusteeship put into proper hands. Has he any property in the district?

Father Colgan.—He has property at Westport. His property in this parish is not much.

257. Mr. Justice O'BRIEN.—Do the 300 pupils who attend the Convent School all come from this locality?

Father Colgan.—They are all from this locality. The inquiry then terminated.

Oct. 14, 1890.

PUBLIC SITTING—TUESDAY, OCTOBER 14, 1890.

At the Rockfield Institution, Ballynashill, Clifden.

Present:—The Right Hon. Lord Justice FRIZGIBSON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and ANTHONY TRAILL, Esq., LL.B., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

THE ROCKFIELD INSTITUTION—LYONS ENDOWMENT. (ADJOURNED INQUIRY).

The Rev. Canon FLEMING examined, having been sworn on a previous occasion.

Rev. Canon
Fleming

258. Lord Justice FRIZGIBSON.—Canon Fleming, you were examined at Galway on October 12, 1888, and we ask you now to take up the matter from where you left it then. On that occasion you told us that you had land and about £400 worth of stock?—Yes, and plant.

259. But that you owed then £900 instead of £500, the debt with which you started?—There was more owed in the way of loans that would have been turned into gifts if the place had been started. I sent to the office since the exact state of the accounts.

260. Since 1888 who have been the members of the committee?—Canon Goodison and myself.

261. Had you no other colleagues?—No.

262. What have you done with the land during 1889 and 1890?—It was cropped to a certain extent as far as we could. We have been trying to pay off some of the debts.

263. Mr. Justice O'BRIEN.—What kind of crops?—Hay, oats, and turnips. (Hands in list.)

264. Lord Justice FRIZGIBSON.—Did hay grow on the land this year?—Yes.

265. About how many acres?—I could not tell you.

266. Who pays the bills?—They are paid through the bank, and the books are here. We paid £120 outstanding debts out of the produce of the farm this last year.

267. Did you incur any new debts?—Indeed we did; we had to do that.

268. How does the balance stand on the two years? Are you better or worse than you were in October, 1888?—I think we must be worse.

269. Mr. Justice O'BRIEN.—If you go on for a sufficient time you will be nothing.

Witness.—We paid off £120.

270. Lord Justice FRIZGIBSON.—Do you mean that you paid off £120 over and above what you spent?—No, we sold cattle and stock.

271. Who keeps the books?—The manager. I audit them every week or fortnight. We have all the books.

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REV. CHAS.
FRANKS.

272. What boys have you now?—Only four.

273. Mr. Justice O'BRIEN.—How many have you had altogether from the commencement, not together in the school at one, but how many individuals altogether from the beginning?—(Witness handed in a return.)

274. Lord Justice FRYGROVE.—What has caused the reduction in the number of boys?—Want of funds.

275. Did the boys not pay for themselves by their work?—Very little indeed.

276. Mr. Justice O'BRIEN.—Would you have a larger number of applicants if you could receive them?—I think we would. Sometimes we find it difficult to get boys; at other times we have far more applications than we can entertain.

277. How far have you complied with the conditions of the will as to the times at which they should be received and discharged—do you keep them for seven years?—Some of them we have kept for six, or four, or five years. We got one boy trained in Gloucester as an agricultural. We have conformed to the will. We take in boys at thirteen or fourteen years of age.

278. Some are mentioned in your list who were twenty, nineteen, or eighteen years of age. These must have been discharged by you?—Yes, their parents took them away.

279. Lord Justice FRYGROVE.—Where did the four boys who are here now come from?—One came from the county of Roscommon and three from the county of Galway.

280. What brought them here?—The boy from Roscommon and his two brothers were recommended to me by a gentleman—they were sons of a farmer in Roscommon; and the other three boys were in the Orphanage of Spiddal.

281. Do the parents of the Roscommon boy make any payment?—No. The other three boys make a payment of £8 a year.

282. Mr. Justice O'BRIEN.—The boys from Spiddal?—Yes.

283. Who makes the payment for them?—Miss Franks.

284. Lord Justice FRYGROVE.—Is she the head of the Spiddal Orphanage?—No, she takes an interest in it.

285. I suppose these boys are objects of charity?—Partly.

286. It is not their own money that is paid for them?—The friends of the boys are poor as a rule.

287. Is it £8 a year each that you are paid for them?—Yes.

288. What is your debt at present?—It would take about £1,500 to make everything clear.

289. Mr. Justice O'BRIEN.—In what form is your property mortgaged?—When I came here the place owed about £400. There had to be £200 expended in buying stock and settling up the place; and before it was started I was enabled to raise £600 with the assistance of a friend.

291. Did you become personally liable for this sum?—Personally liable.

292. Is there any specific security, by deed or assignment of the lands, given by you?—No. When I took the thing up I consulted a friend, in order to ascertain whether I and the committee would be safe. He said we would be perfectly safe if we did not go beyond the value of the property.

293. Did you get a legal advice to the effect that a trustee could encumber the property, provided he did not go beyond the value of it?—A member of the committee did. But this was the debt on the place; and if it had not been paid the residuary legatee would have got the whole thing.

294. Mr. LYONS died in 1819?—But this was a debt which had been incurred before I came in, and I went on to get the money.

295. Dr. TRAILL.—Was it owing to a bank?—No.

296. Lord Justice FRYGROVE.—You say that before you took up the management there was a debt due?—There was.

297. To whom was this debt due?—To a number of persons. It was due to persons who had supplied the place with provisions; and there was a debt due to a gentleman who had lent money on the place to a previous committee; and the master and matron were owed about £80.

298. Did you pay all this off with the money you raised?—I paid off all.

299. Did I understand you to say that you raised the money by going to the bank and guaranteeing the amount yourself?—Yes, with Canon Cury.

300. What was the amount that you raised at first?—At first we raised about £400 to pay existing debts; and it took about £200 more to start the place.

301. Professor DOUGHERTY.—Do you mean that you borrowed it?—From the bank and from private individuals.

302. Lord Justice FRYGROVE.—How has that debt increased to £1,500 now?—Supporting the place ever since. Look at the number of boys. I sent you a statement as to what it costs to keep a boy.

303. Mr. Justice O'BRIEN.—Did any of the creditors who represented the £400, and who ceased to be creditors at that time, because creditors for the new debt?—No, we paid off all.

304. The new creditors are different persons?—Yes; and we had to pay interest on the money to the bank and to private individuals. Several times since the creditors have been changed; we have had to pay them off.

305. How did you become liable for an increasing debt every year?—Because we had no money whatever.

306. And how did you reckon ultimately on the debt being paid off?—The committee were hoping that we would be able to get in subscriptions. I did not wish to take in so many, but I was overruled—they said "if you don't show the public something you will get no money."

307. Lord Justice FRYGROVE.—The written statement you have given us shows total receipts, £8,321 19s. I wanted to show what we did, but we did not get that amount.

308. The same return shows a total indebtedness of £1,481 17s. 2d. That has been reduced since. I wanted to show you what we had to pay. The taxes alone on this place are £34 a year.

309. Mr. Justice O'BRIEN.—What is the valuation of the buildings and lands belonging to the endowment separately?—£268 15s. We have to pay £24 a year taxes. The whole thing itself would not support the master and matron and pay the taxes and keep the place in repair or anything like it.

310. Have you kept an account of the subscriptions received?—I can tell you every one of them.

311. Dr. TRAILL.—How is it that there are £34 taxes on a valuation of £268?

312. Mr. Justice O'BRIEN.—The poor rate and county cess are very high. [To witness.]—Is it not plain that if you had looked on the concern from a commercial point of view you would have seen that it was a losing concern that would lead to bankruptcy?—No doubt it would have been a losing concern, and would have been entirely lost but for private friends.

313. Lord Justice FRYGROVE.—What I can't grasp is the present position of affairs. You say there is £1,481 17s. 10d. due at the present moment. Where is there £1,481 17s. 10d. worth of property to meet it?—There is nothing but the land itself.

314. Would he not be an enthusiastic individual who would take the land for the debt?—I don't think so.

315. Mr. Justice O'BRIEN.—You had a fixed amount of value, and nevertheless you have been accumulating a debt?—Years ago we wanted to get out of it, and

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Rev. Canon
Fanning.

year after year we tried to move the Charitable Donations Commissioners; and at last they did give their consent to our selling the land in order to clear off the debts, about three years ago. Then land went down so much that we would have had to sacrifice it.

316. Let me recall your evidence given on October 13, 1888:—

"1816. What do you think the whole concern, if it were sold, would bring?—I think £2,000 is as much as it would bring, including assets.

1817. And of that it owes at present, over the value of the stock, about £900?—Yes, it would owe £900 along with the assets. I suppose about £900 would clear it; and the assets would be between £400 and £500.

1818. We may take it that £200 and the stock on it would clear it?—Yes, and the crops; there is not value there for £2,000 over and above all liabilities because I don't think more than £1,000 would be got for the whole place including assets. I don't think it would fetch £2,500."

That was the state of affairs two years ago; and the debt now returned is £1,431 17s. 10d.—I can explain that. At that time I had not the accounts before me. I did not think they would have been gone into, and I gave from recollection what were the book debts. But in addition to that there were loans, which would have been turned, I have no doubt, into gifts. For instance, a lady lent £300. She has died since. She would have turned that into a gift, I have no doubt, if the place had been cleared.

317. Dr. TRAILL.—Have her executors called for the money?—They have.

318. Lord Justice FRYGIMON.—Has it been paid off?—No.

319. Professor DOUGHERTY.—Have you any account of the terms on which that sum of £300 was originally given?—To be sure I have; and I have the expenditure of it here, and a receipt for the interest on it.

320. Mr. Justice O'BRIEN.—What reason have you to suppose that what was originally a loan would in any event have become a gift?—Because it has been done on several occasions.

321. Was that because the people thought that the money was hopelessly lost, and abandoned it?—Not at all.

322. Surely you must have got some intimation, when the money was advanced, that in certain events they would make a gift of it. Was it in the nature of a gift in the first instance?—No, certainly it was not, for I have here the receipt for the interest on the money.

323. You must have been curiously blind people to take a loan of money, and afterwards pay the required interest on it, and yet entertain the expectation that it would ultimately be turned into a gift?—I have reason to believe that it would have been turned into a gift.

324. Lord Justice FRYGIMON.—Have her executors any security that they can realize?—No.

325. Mr. Justice O'BRIEN.—Supposing that you had obtained the consent of the Commissioners of Charitable Donations and Bequests to the sale of the property and that any balance had remained,—in what way was it contemplated to dispose of that balance?—Working the place.

326. That had been sold?—No; we only proposed to sell half the land.

327. Was it to a sale of half the land that the Commissioners assented?—Yes. That was Mr. Gernon's proposition.

328. You appear to have overcome him entirely. Whatever were his objects, he does not appear to have renewed his inquiry concerning the Charity, or his activity concerning it. He did nothing afterwards?—He was not called on.

329. Did the Commissioners revoke the consent they had given for a sale of part of the land?—No.

330. Was it because land had declined in value that you thought it would be a great disadvantage to sell it?—Precisely; and that went on from year to year.

331. And you were getting into deeper water?—What were we to do? That was the difficulty with us.

332. Throwing good money after bad, year after year?—We kept a great many boys in the place.

333. You looked to subscriptions from England as the means of taking you out of your position?—We were hoping to get what would extricate us.

334. Lord Justice FRYGIMON.—Have they stopped within the last two years?—For the last few years.

335. What is this item in your account?—"October 13, 1890, due to Manager £816 14s."; and at the end of the October account there is—"£6m to Manager £218 4s."—You see every item set out there.

336. Who is the creditor?—The manager.

337. Mr. Justice O'BRIEN.—The Bank?—No; the manager, Mr. Milles—the man that is here.

338. Is there £218 due to him?—Yes.

339. Who owes it to him?—The institution—the concern.

340. Dr. TRAILL.—You don't mean to say that he has advanced the money himself?—Yes.

341. This gentleman?—Yes. You will see the whole thing in the book.

342. Have you and your committee guaranteed the manager?—It is guaranteed by the legal opinion. It was all expended on the institution.

343. Mr. Justice O'BRIEN.—Was the manager in such a position that he could advance this large sum?—Indeed he was. Please go over the books. It is all in the books. It commenced in 1874 and went on.

344. Professor DOUGHERTY.—Does this account include the manager's salary?—It includes the master's salary; the manager's salary is not paid.

345. Is the manager's salary due in addition?—It would be, but that it is paid from a private source.

346. Lord Justice FRYGIMON.—The first item in the account of your liabilities is balance due £589 12s. 10d. under date March 28, 1889?—Yes. The books are balanced every week.

347. Then there is a number of small sums received—for example, "for a car to Clifton with agents," 14th February, 8s.—what was that?—That was a car that we used to hire out in order to make money.

348. Apparently there were only shillings coming in for pounds going out, and a loss on the place of £180 in one year?—There must have been, because there was no return from the place at all. You cannot get a profit out of land unless you have capital to work it.

349. Professor DOUGHERTY.—What is the salary of the manager?—He is paid £54 a year.

350. If it had been paid by you it would bring the loss on working the place to £500 last year?—That brings it up to £200.

351. Lord Justice FRYGIMON.—The overdraft of £589 12s. 10d. in March, 1890, is to be increased now—on October 13, 1890—to £816 14s. 1—Yes.

352. There is an item of debt to "provision merchant and shopkeeper, £293 16s. 6d."—to whom is that due?—To a man named Joseph Gorman in Clifton.

353. The amount of that debt, £293 16s. 6d., on March 28, 1889?—He was paid something since then. I cannot tell you the exact amount.

354. What is due now on the provision and shopkeepers account?—Nothing, except to Joseph Gorman.

355. Where did the money come from to pay it?—Stock. You will see it in the book.

356. Dr. TRAILL.—You reduced your stock in the meantime?—Yes.

357. Lord Justice FRYGEMAN.—Then any reduction in that debt must be set off against an increase in the overdrawn *farm account*, for all the moneys required from your manager are put into the book!—Yes.

358. Who are personally answerable to the shopkeepers?—The things were got for the place, therefore the place is.

Lord Justice FRYGEMAN.—He cannot sue the place.

359. Mr. Justice O'BRIEN.—Is the whole £293 extinguished?—No, there is £300 due still, with interest on all these things too.

360. If that £300 is still due, and if the man goes to recover the money, who owes it to him?—The Committee, I suppose.

Mr. Justice O'BRIEN.—You ordered it, and he was to look to you if he had no other person to look to.

361. Lord Justice FRYGEMAN.—What became of those provisions?—They were consumed in the place during the last six or seven or eight years.

362. Then you have a running account with this shopkeeper?—A running account.

363. Is there anything due to any other shopkeeper besides Gorkham?—No, they have been paid since.

364. Have you any memorandum of what was paid?—Gorkham's account is in one of these books. We have Gorkham's pass book. You may be perfectly sure it will be all right about the account.

365. Lord Justice FRYGEMAN.—It is not right at all—as regards your own safety. We want to know what is due to this man?

Mr. Milnes.—There is about £340 due to him. We gave two bills for £100 each to Gorkham, and these bills are being paid by instalments. We have been paying for all that we have been getting for the last year or two.

Witness.—And not only that, but we have been paying off book debts.

366. May we take it now that you have only one *endorsement* for shopkeeping and provisions, and that you owe him about £300?—Yes, except about £4, and something to a man for firework in Dublin.

367. There is Henshaw, April 24, 1834, £3 15s. 6d. I—I was under the impression that that was paid until it turned up the other day.

368. The next item is "loans, £472 3s. 6d."; what is due on that?—There is £250 due to the executors of Miss Davies.

369. Is this the item with which the £200 was paid?—I gave her a return and said the things were owed for, and she paid it off with this loan.

370. "Stephen Coyne, £24 8s."—what was that for?—Provisions—meat and flour.

371. Gorkham got £100 out of Miss Davies' loan?—He did.

372. "R. J. Staley, £20 1s."—Drapery and clothing.

373. "Gorkham, £4 1s."—For hardware.

374. "Ebbot, £6 17s. 6d."—For harness.

375. "Bank bills, £10 3s. 8d."—what was that for?—It was due to the bank.

376. The account also contains £5 14s. 7d., income tax; £3 3s. 6d., Livingston; and then there are some small items. What security did Miss Davies get?—None whatever. She lent it to the institution because these debts were pressing, and we had to pay them.

377. Is that the same lady whose name appears as honorary secretary in the reports?—It is.

378. She got subscriptions surely?—Not a shilling.

379. Mr. Justice O'BRIEN.—Did she lend her own money?—Her own money, and her executors are suing for it.

380. Dr. TRAILL.—On what security?—She lent it to the place. She did not ask any security.

381. Lord Justice FRYGEMAN.—You say they are suing?—They have written to me to know when it will be paid.

382. Was she one of the persons that made loans that you expected might ultimately be converted into gifts?—The very one, and I have reason to know that she would have done it.

Dr. TRAILL.—I think we had better consider it a gift now.

Mr. Justice O'BRIEN.—The executors would do well to take a benevolent view of the liability.

383. Lord Justice FRYGEMAN.—Her name occurs in a circular sent to us in 1834, which states that the

"Committee are most anxious that a vigorous effort should now be made to collect £2,500; contributions will be cheerfully received by L. M. Townsend, London, and Miss Davies, 35, Upper Fitzwilliam-street, Dublin."

Is that the lady?—Yes.

384. Was it after that she gave you the £300?—Yes. Here is the receipt for the interest. [Reads]

"Received from Canon Fleming £30, interest on loan of £300, due February 6th, 1835. Sarah Davies."

When did she die?—About two years ago.

385. Mr. Justice O'BRIEN.—When you requested that subscriptions should be sent to Miss Davies, was it in order that she should extinguish the loan, and pay herself?—Not at all. They were raised before the £200 was lent, with the view of extinguishing the debt on the place. We were always hoping—the committee were—that they would get in as much money as would pay off all the liabilities, and stock the place; and several efforts were made.

386. Mr. Justice O'BRIEN.—I wonder you did not succeed to a larger extent in levying money off the Saxons?—We did our best, but failed.

387. Lord Justice FRYGEMAN.—Then of the £472 3s. 6d., debts in the account, £200 is due to Miss Davies, with £30 for interest?—Yes.

388. What was the rate of interest?—Five per cent; £10 for the year. Interest for two years is due now.

389. Lord Justice FRYGEMAN.—Is there any personal security for this money?—No personal security. In fact she gave it to me.

390. Mr. Justice O'BRIEN.—Was it on the speculation that she would be able to repay herself by those subscriptions?—I don't think it was. I think she meant to give it as a donation to the place.

Dr. TRAILL.—Just to help you in the mean time, and eventually to give it as a donation.

391. Lord Justice FRYGEMAN.—The material point for you and Canon Goodwin is whether she advanced the money on your personal security; because if she did not, I don't know where her executors are to get it, for they could not charge it on the land.

Witness.—No; except that it was given for the institution.

392. Mr. Justice O'BRIEN.—Sometimes persons advance money on the faith of subscriptions being given to liquidate it; and she took her chance.

Witness.—At all events the money was expended on the institution,—in clearing off the debts of the place.

393. Mr. Justice O'BRIEN.—It may have been that it did not fulfil the character of a legal loan, and that she advanced the money in the hope and belief and speculation that it would be paid by subscriptions.

Witness.—I believe it was given with the intention that if the whole debts were cleared off she never would have asked for it.

394. Lord Justice FRYGEMAN.—Do you know who she was?—Very well. We know her for the last twenty years. She had plenty of money.

395. There remains £332 of other debts?—There is £267 10s. due to Dr. Cory's executors.

396. When was that advanced?—A great many years ago.

397. Dr. Cory was a clergyman?—He was. It was to help to pay off a bill in the bank.

Q17 14, 1834.
Rev. Canon Fleming.

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Fleming

388. Was he a member of the Committee?—Yes. It was he who helped to keep the place going as secretary.
389. That £87 10s. represents expenditure by him as a member of the Committee?—Yes. It was a loan to pay off a bill.
400. Is there any writing for it?—A promissory note.
401. Has any interest been paid on it?—No interest on that.
402. From what length of time?—This is what is due including interest up to the present time.
403. How much?—£87 10s.
404. Dr. TRAILL.—Did you pay him interest in any year yet?—No.
405. How long is he dead?—About four years.
406. Lord Justice FRYGROVE.—Besides the £230 to Miss Davies, and £87 10s. to the executors of Cory, what other debts are there? [Hands in paper].—To the National Bank there is due £40. Miss Eaton £30.
407. What is that?—A loan.
408. When was it advanced?—About seven or eight years ago. There is no interest charged on it. She gave the money and said she would charge no interest.
409. Is she living?—She is. She was here the other day.
410. Dr. TRAILL.—Why is she looking for it now? Is there a general idea that the place is to be sold, that all these people are rushing in to get what they can out of it? Not one of these debts is worth the paper it is written on.
Witness.—They may not be in the eye of the law, but the money was expended on the place. There is Miss Newton, £36.
411. Lord Justice FRYGROVE.—When was that advanced?—About the same time. There is no interest on that at all.
412. Dr. TRAILL.—The Statute of Limitations would exclude this?
Witness.—Well, of course if we wished to take advantage of it.
413. Lord Justice FRYGROVE.—What else is there?—“W. Milles, £87 15s. 6d.”
414. What was that paid for?
Mr. William Milles.—I could not say what it was paid for. It was lent to the committee.
Witness.—He originally lent £150. Interest accrued, and Maria Cory's executors paid out of this £87 10s. The balance, with interest remains unpaid.
Mr. Milles.—The original sum lent ten or twelve years ago was £150, on a joint promissory note of Canon Fleming's and Dr. Cory's. After Dr. Cory died his executors paid half of it, and the other half remains due. I got the promissory note renewed once or twice.
415. Have you a note for the other half?
Mr. Milles.—Canon Fleming and the committee are responsible for the other half by promissory note.
416. Mr. Justice O'BRIEN.—Why did you not add it to the overdraft?
Mr. Milles.—I did not like to put it into the bank; there was enough in the bank.
417. Professor DOUGHERTY.—Since Dr. Cory's death have you been paid interest?
Mr. Milles.—Yes. It was included in the payment.
418. Mr. Justice O'BRIEN.—Since Dr. Cory's death have you received interest on the moiety that remains due to you on the bill?
Mr. Milles.—It is charged in that promissory note—one year's interest. The principal was £83, and the interest makes £87 15s. 6d.
419. Lord Justice FRYGROVE.—There is £36 due to Thomas Ebbet. Is that the Thomas Ebbet who got £6 17s. 6d. out of Miss Davies's loan?
Witness.—That was paid to him for harness. The other was money that was lent to clear us out of the bank.
420. When?—Shortly before Dr. Cory's death.
421. Does he hold a note for it?—He held my security for it. He lent it on my security.

422. Then the National Bank figures as a creditor for £85?—It is only £40 now.
423. Have you paid off £25?—Yes.
424. Then there is over £1,500 due, one way and another.
Dr. TRAILL.—But the debts to these ladies are nonsense.
425. Mr. Justice O'BRIEN.—Does not the fact of their advancing money for so long a time, and receiving no interest, and taking no security, necessarily lead to the conclusion that they were gifts, and that they are asserting a right to convert them into debts when they think there is a chance of doing so?—That is not the fact, I assure you. It was lent to save the place from going to destruction. What would have become of the place? If I had abandoned the place seventeen years ago where would it be?
426. You would hardly have been worse off than you are?—But look at all the good it has done—the number of boys it has sent out into the world.
427. Supposing you had succeeded in selling part of the land to pay off the incumbrances at the time you proposed, your intention was to use the remainder in carrying out the trusts of the endowment as far as it was capable of satisfying them. At the time you made that proposition did you communicate with any other persons interested in the matter—did you write to the “people of Loughrea,” or the “magistrates and clergy”?—I knew nothing about them at all.
428. You did not think they had any right to be informed of your intentions?—I knew nothing about them.
429. Dr. TRAILL.—You knew nothing about the will until we turned up two years ago?—No.
430. Mr. Justice O'BRIEN.—The Chancery Scheme refers to the will.
Witness.—When we were appointed by the Lord Chancellor, the Committee advertised in the Loughrea papers a good many times for boys, and there never was an answer to any of the advertisements.
431. Ven. Henry F. Daly, Archbishop of Clonfert.—Do you know that of your own knowledge I did advertise and we got no replies. Do you think the Loughrea people would come here?
432. Mr. Justice O'BRIEN.—If they could take the money from this to Loughrea there would be some use for it.
Archbishop Daly.—For which we will apply.
Witness.—We have been in the uninterrupted enjoyment of it for thirty years. It would have been all lost at that time but for us. It has been a heavy drag on me all my life.
433. Mr. Justice O'BRIEN.—Of course clergymen are not supposed to view things from a commercial point of view, but it does not appear to be consistent with prudence that you should have gone on accumulating this debt from year to year and never settling it?—What was I to do?
434. Unless you applied to have the place brought to a sale at once?—We did—time after time. It was a dead loss to me every year. I never charged a penny postage to the institution, and many hundreds of letters I wrote.
Mr. Justice O'BRIEN.—There is no suggestion that you did.
435. Lord Justice FRYGROVE.—As I understand, over and above all the charges and debts, Mr. Milles got a fixed salary?—He does.
436. Who pays that?—The Irish Church Mission. They permit him to live here and look after the place because his wife is mad. She is paid.
437. When you say “permit him to live here,” what post does he hold for the 25 a year?—He is a Scripture reader.
438. Dr. TRAILL.—Then it is not as Manager of Rockfield that he resides here?—It is as manager, but we get his services partly free. We had an Agriculturist here as long as we could keep him, a boy who was educated here, and who was trained at Glasnevin.

439. Mr. Justice O'BRIEN.—Wasn't it a curious position that Mr. Milnes should hold—that of Secretary Reader—and to be advancing money from year to year until his debt comes to be represented by a sum of £8000? It would occur to me as a not unlikely solution of it that Mr. Milnes looked to the subscriptions from England as a means of paying himself

these charges?—He had nothing to do with that at all. He had only to do with the Committee.

440. There is a very large sum due to him?—Every shilling of it was expended here. It is his own salary, and his wife's salary; and he has a good deal of his own besides.

Oct. 14, 1866.

Rev. Canon Fleming.

WILLIAM MILNES sworn and examined.

441. Lord Justice FITZGERBON.—How long is it since you first came to this Rockfield Institution?—In March, 1874.

442. In what capacity did you originally come?—I came here as Manager of this Institution, under the Rev. Canon Fleming.

443. You opened your account on March 21, 1874?—Yes.

444. Was that the date of your first coming here?—The date of my coming here.

445. At that date you began with the Institution free from debt to you?—Yes.

446. From that time you have kept accounts regularly down to the present time?—Every item.

447. And these accounts were closed on December 31, 1883, with a debt to you of £709 13s. 1—Quite correct, according to the book.

448. That debt is now represented by £518 4s. Who owes you that money?—The Committee of the Rockfield Institution owe the money. You will see Canon Fleming's signature at the end of the books, which were audited every week.

449. To what fund do you look to be paid?—Out of the Rockfield Institution.

450. Mr. Justice O'BRIEN.—And not to the Englishmen?—Oh, no; I have nothing to do with that at all. My wife's salary is included in the amount, and the cost of provisions of different sorts.

451. Lord Justice FITZGERBON.—Your wife's salary as Matron?—Yes.

452. With only four boys in the place?—Only four now. It has been let down for the last two years.

453. For her salary she has charge of the boys?—She has charge of the entire house. She touches the boys to sew, wash, bake, and make butter.

454. There is no salary of your own charged in this debt?—No, not a penny.

455. Besides the amount of the balance on this account, you also claim a debt of £87 13s. 6d. 1—That was money advanced to Dr. Cory and Canon Fleming.

456. In cash?—In cash down.

457. Were you paid £87 10s. that was recovered from the executors?—Yes.

458. How is it that the place produces so little towards its own expenses?—It was a mistake taking in so many boys, mostly city boys, who were not able to work. Draining, fencing, and reclaiming cost a good deal.

Mr. Justice O'BRIEN.—A few shillings a week was all it produced apparently.

459. Lord Justice FITZGERBON.—The largest amount of debt was incurred last year when there were fewest boys?—That might have been outstanding from former years.

Lord Justice FITZGERBON.—No; your adverse balance is biggest when the number of boys is smallest.

460. Mr. Justice O'BRIEN.—Would it produce the more the fewer boys it had working on it?—There is a great drawback,—you must do all by spade work.

461. The greater the number of boys the more work should be done; but you say that you took in too many boys, and you attribute the small quantity of yield to your having so many boys?—Taking in thirty-three boys and clothing them. Three-fourths of the land is set for £20 a year.

462. I can understand that; but I cannot understand how an increased number of boys should diminish what the place is capable of yielding?—I don't think it has; if you look into all the accounts

together. The increased number of boys would counterbalance the produce and leave nothing to sell or dispose of.

463. How did it come to pass that holding the relation of reader to the Irish Church Mission, and being paid entirely in that character and not as Manager of the institution, you should still have been in a position to advance so large a sum as £8000?—I could have advanced more than that before now. I had to dispose of securities and house property for the purpose.

464. Lord Justice FITZGERBON.—In 1884, when the largest number of boys were in the place,—on January 1, there was due to the Manager £235 3s. 10d.; and at the end of the year, over-draft was £309 12s. 2d. So that in that year the total loss was £75; and there were then thirty-three boys in the place?—That wasn't exactly give you the information you require, because we had been taking goods from Gorman all the while to maintain these boys.

465. Then this account does not show what it purports to do?—It shows everything as far as I am concerned, since I became Manager. There were shop goods and other things besides; and my wife's salary; and interest on the overdraw account.

466. Dr. TRAILL.—Your wife's salary is included in the debt to yourself?—It is not paid to her.

467. What was the salary for your wife this year?—£15.

468. Mr. Justice O'BRIEN.—You having a right to receive £34 a year, doesn't it appear extraordinary that a man in that position should have such a debt against the institution?—I could lend that money before ever I came here at all.

469. Mr. Justice O'BRIEN.—If, instead of lending money, you had gone away and lived on your capital it would have yielded you more than such a salary to yourself and your wife.

Dr. TRAILL.—£255 of the debt is salary to his wife.

Witness.—I have a form of my own.

470. Mr. Justice O'BRIEN.—Is another part of this money?—Yes,—lot.

471. Mr. Justice O'BRIEN.—The accounts are kept with great minuteness.

Witness.—I have produced all the vouchers.

Rev. Canon Fleming.—I went into every item in these books, and every item that I went into I got vouchers for.

472. Mr. Justice O'BRIEN.—Was any account ever kept, independent of the special loans of Miss Davies and others, of moneys that were received by you from England and other sources?

Rev. Canon Fleming.—Certainly, and by Dr. Cory, too. We owed a certain amount to a certain number of persons, and then the money was paid. The persons who gave the money gave it sometimes as a gift, and sometimes as a loan. Else how could we have got on for seventeen years?

473. Professor DOUGHERTY.—We have a very full set of accounts as between you, representing the Committee, and the Manager of the Institution. Have you any set of books showing the total expenditure upon the institution and the amount of the annual subscriptions?

Rev. Canon Fleming.—I can produce every item.

474. Lord Justice FITZGERBON.—I ask your attention to the account of 1883. You have said already that in the account for 1884 there would be shop goods—feeding and clothing for the boys; yet the loss in that year was only £70, with thirty-three boys in

WILLIAM MILNES.

Oct 14, 1895.

William
Mills.

the place. Now in 1889, which was not a bad year for farmers, taken all round, you commenced with a debt of £208 12s. 6d.; and with four boys you ended with a debt of £709 19s., so that in that year the loss is £512!

Mr. Mills.—Look at the items paid.

Lord Justice Fitzgerald.—The outstanding debts paid are only £81.

The Rev. Canon Goodinson examined.

Rev. Canon
Goodinson.

476. Lord Justice Fitzgerald.—Is there anything you wish to say?

Rev. Canon Goodinson.—Only to take me out of any liability as regards the debt. I never signed my name but once, and never attended a meeting.

Rev. Canon Fleming.—Two meetings.

Mr. Justice O'Brien.—It appears to me that you will best consult your own security by giving no answers to any questions that you are asked here. If you retire you will best promote your own interests.

477. Lord Justice Fitzgerald (refers to Minute Book of Committee).—The following resolution was passed on March 18, 1889:—

"Meeting of the Committee of the Rockfield Institution. Resolved, that as no funds are available to work the Institution, the best course would be to dispose of the property, namely the Institution, and hand over the balance to the Educational Endowments Commissioners, to be dealt with under a scheme in accordance with Lord Justice Fitz-

478. Mr. Justice O'Brien.—Your expenses appear to have increased inversely in proportion to the advantages afforded by the Institution.

Rev. Canon Fleming.—Because there were debts which were not the bona fide expenditure of each year. We had to pay interest on loans and had debts. The place has always been living on credit.

Gibben's statement, viz., the whole or part of it could be sold, and, after Canon Fleming's liability has been satisfied, the balance could be dealt with under the scheme."

That is signed by Richard Goodinson as honorary secretary.

Rev. Canon Goodinson.—I never signed my name but once.

478. When did you become a member of the committee?—I don't know the date. Three years ago. I have never taken any active part in connection with it at all.

Lord Justice Fitzgerald.—We lawyers don't like what are called "members of form."

Mr. Justice O'Brien.—At all events remember that silence is golden.

479. Lord Justice Fitzgerald.—You took no personal part in the matter? You don't know anything about it?—I don't know anything that would be of any use.

Examination of Mr. Mills continued.

Mr. Mills.

480. Lord Justice Fitzgerald.—Interest is charged on £500 due to you for six months at five per cent., up to December 1, 1888, in your account of December 24, 1888, £12 10s. Where did the money come from to pay that?—It was not paid at all. It is still in the overdraft.

481. Then this overdraft has been bearing compound interest at five per cent.?—Yes, if you look at it in that way.

Rev. Canon Fleming.—We paid the bank six per cent. We sometimes had to pay eight.

The Ven. Henry V. Daly, Archbishop of Clonfert.

Ven. Henry
V. Daly.

482. The Diocesan Council of Clonfert directed me to appear here by the following resolution:—

"That the Archbishop of Clonfert be authorized by this Council to appear before the Commission, and represent the diocese at all times when the educational endowments thereof are under the consideration of the Commissioners."

This endowment belongs to Loughrea, which is in the diocese of Clonfert. Canon Fleming is mistaken in saying that he did not know of Loughrea being interested in it.

Rev. Canon Fleming.—All that I knew was that the Loughrea boys were to get a preference, but, as far as the place is concerned, I know nothing about it.

483. Archbishop Daly.—Well, I shall appear at Loughrea, and produce the evidence of the rector of Loughrea, who has been rector of the parish since 1893—five years before this property was purchased. He will tell you that he never heard a word about it. The clergymen of the parish of the Established Church and the magistrates there are the persons to whom the management of the property was entrusted. Of course I exempt Canon Fleming from any part in the business. When he came here as rector, he tried to do the best he could with it. But I am instructed to characterize it as an awful, tremendous job, which the Charitable Donations Commissioners did with the Master in Chancery, who drafted the scheme. Though I may be speaking evil of dignitaries, I must say that this fund has been alienated altogether, through the action of these great persons, from the object for which it was given.

Mr. Justice O'Brien.—The inaction rather of the Commissioners of Charitable Bequests.

484. Archbishop Daly.—I myself have been for twenty-five years resident in the county, and during

five years of that time I lived within fifteen miles of Loughrea. During three years I lived within two and a half miles of Loughrea; and for the last seventeen years I lived within twelve miles of it, as rector of the parish of Gort. The papers that I read include the *Western Star*, a Conservative and Protestant paper, published in Ballinacree—no paper is published in Loughrea—and I must say, that neither I nor Archbishop Rush, who is rector of Loughrea—as I have been informed by him—ever saw an advertisement of any kind drawing attention to this institution or looking for boys from Loughrea. We were in perfect ignorance of the matter until two years ago I got from my secretary a copy of Colonel Lyons's will. I am also secretary of the Diocesan Council, and have had the management of our globe lands and endowments during the last twenty years since disestablishment. When I got the copy of the will, I thought it my duty to bring it before my Diocesan Council; and in pursuance of their resolution I am here now to look for the endowment for the place for which it was originally left. It seems strange that 500 acres of land should have yielded absolutely nothing. If it had been let for grazing or put out to the farmers, it should have brought something to the other side of the account, and not be liable for £1,500. The debt was £500 two years ago, and now it has increased to £1,500. I urge upon you that this institution is in no way liable for those debts; that the place should be sold, and that we should receive the proceeds free of those charges; and I am perfectly certain that Canon Fleming will be able to settle with those kind and generous friends who lent the money, that they won't enforce their claims, but, as a matter of duty and charity, will gladly wipe out all the debts personally against Canon Fleming, and not hold him liable for anything.

Examination of Mr. MILLER further continued.

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Mr. Miller.

485. Lord Justice FRYGROUSE.—Mr. Miller, look at your closing of the account for 1882; you then made a calculation of interest on your overdraft for very year, beginning from the first down to December 31, 1882. I can find no earlier entries or charge for interest. Can you say whether it was on December 31, 1882, that the arrangement for charging interest on your overdraft first began?—It was. I thought the thing was going too far and that I should have interest, and the committee agreed to give me interest.

486. When you say "the committee," who agreed?—Canon Fleming as chairman.

487. Mr. Justice O'BRYEN.—Who were the rest?—I could not say now, it is so long since.

488. Lord Justice FRYGROUSE.—[Reads from Minute Book.] The was a meeting on June 6, 1881, "the Rev. Canon Fleming in the chair." Was anybody else present?

Rev. Canon Fleming.—Canon Cory.

489. Lord Justice FRYGROUSE.—[Reads.]—

"The accounts for 1880 passed." "Resolved.—That on the bill for £300 in the National Bank of Children becoming due in the second week in June, £20 be paid for interest, and the bill renewed for another six months." "Resolved.—That an endorsement be made to raise the income of the institution, and to pay off the additional liabilities."

and a letter from Canon Fleming to the Rev. H. W. Townsend on June 3rd, showing the stock and value of the institution and approved of. There was no subsequent meeting till Tuesday, February 20th, 1885, when the minutes of the last meeting were read, Canon Fleming being in the chair; the accounts of the past year were examined and approved of; and it was also decided that, unless some effort should be made speedily to increase the funds, it would be necessary to sell a portion of the property in order to place the committee in a secure position. The next minute is in a new handwriting, Monday, October 26th, 1885. Who wrote that?

Rev. Canon Fleming.—Mr. Townsend.

490. Lord Justice FRYGROUSE.—Mr. Townsend and Canon Fleming were in attendance. After a careful consideration of the subject, it was

"Resolved that, in order to clear off the debts which now press so heavily on Rockfield Institution, the Commissioners of Charitable Donations and Bequests be requested to assent to the sale of that portion of the lands belonging to the institution lying to the south of the main road, this portion being the least valuable and so situated that the sale of it would not hinder the working of the institution and impair its usefulness."

Mr. Miller, since 1882, each year in the balancing of your account you have charged interest on the current balance?

Rev. Canon Fleming.—There is no charge for interest in our books until 1889. On December 30th, 1882, when he thought it was going too far, he went back over the books and charged simple interest at five per cent.

Mr. Miller.—I did not charge compound interest. I only charge interest for each year.

Archdeacon Daly.—Simple interest from 1874 to 1882, and compound interest since.

491. Mr. Justice O'BRYEN.—Archdeacon Daly, have you formed any idea as to what the result would be of a sale of this property?

Archdeacon Daly.—I could not say. I can only state that it is a farm of 500 acres held in fee-simple, and that part of the land is very good and profitable. I don't know what it would fetch.

492. Mr. Justice O'BRYEN.—Canon Fleming, was any proposition or offer made to you for the purchase of the land?

Rev. Canon Fleming.—Not directly, but I think I could have got £200 or £300 for the uncertain part, which is just the salvage of the place, and does not include the good part of the land. I think I might

have got £1,000 for it then. But the price of land dropped immediately afterwards.

493. Mr. Justice O'BRYEN.—Who was the previous owner of the property, do you know, by whom the conveyance was made?

Archdeacon Daly.—Mr. Francis J. Graham, of Maguire's Bridge, grand juror of Galway and Fermagh. He has a large property and a shooting lodge in Galway. He was here about a month ago.

494. Lord Justice FRYGROUSE.—Can you tell us anything, Canon Fleming, about how the institution came to be settled here by Master Linton?

Rev. Canon Fleming.—Master Linton made inquiries about Loughrea, to see if he could get a small farm or portion of land for £3,000. There was none to be had for anything like that in the market. Then Mr. Crawford Butler proposed to him, or through friends, to purchase this.

495. Mr. Justice O'BRYEN.—Who was Mr. Butler?—He was a solicitor. This was a property he had purchased from Captain Graham, and then he sold it to Master Linton. I know nothing about it till the other day.

Archdeacon Daly.—We deny that, to the knowledge of anyone in Loughrea, Master Linton made any effort to find property in Loughrea. Canon Fleming only heard of it.

Canon Fleming.—It has only a valuation of £68 16s. The reason why we could not let it for grazing was that a comparatively small farm was bought, and we had to work without capital—we hadn't a shilling.

496. Mr. Justice O'BRYEN.—£3,000 was an enormous sum to give for the property.

Archdeacon Daly.—Nearly £4,000.

Canon Fleming.—The committee had nothing to say to that. But as regards the observations Archdeacon Daly has made as to the original nature of the transaction, it appears entirely to contain his view of it. The residuary legate came down to take possession of the place, for if the school fell below two boys it was to go to the residuary legate. At all events he came down to take possession, and one of the committee—I was not at home at the time—told him to take himself off very quickly, if he did not like to get himself into the bog.

497. Mr. Justice O'BRYEN.—One of the committee?—Canon Fleming.—Captain Archdeacon.

498. Mr. Justice O'BRYEN.—Then was his inquiry as to the efficiency of the institution closed by threatening to murder him?

Canon Fleming.—No, he wanted to put us out.

499. Archdeacon Daly.—But if he got the property, he would have been bound to carry out the trusts of the institution?

Canon Fleming.—Not at all.

500. Archdeacon Daly.—I beg your pardon, it is in the will. What Canon Fleming is anxious to have done is this. He wishes to have the amount of those liabilities, totting up to between £1,400 and £1,600, charged on the proceeds of the sale of Rockfield Institution. Now, apart from any legal questions that are involved in connection with that demand, I feel great difficulty in conceding it, because we have had no complete statement from year to year of the assets of the institution.

Canon Fleming.—It is in these books.

501. Archdeacon Daly.—We have here no credits for any sums received in respect of the boys who have been in the institution.

Canon Fleming.—That I can easily give you. That is a private account.

502. Mr. Justice O'BRYEN.—How came it to be a private account? Is it not to go in extinguishment of the liabilities?

Canon Fleming.—So it did partly. Canon Cory was secretary and he kept the books.

503. Lord Justice FRYGROUSE.—In other words,

C

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Mr. Milles.

you admit that, against the loss and liabilities that appears on Mr. Milles's accounts, you have a private account of sums which should go in reduction of the loss, to the amount of whatever payments were made for boys and whatever subscriptions were received?

Canon Fleming.—Of course there were.

504. Lord Justice FITZGERSON.—Then you must show that the debts due to the Children bank and others are over and above the subscriptions and payments received.

Mr. Justice O'BRIEN.—I cannot understand why Canon Fleming should include in the "debt" of £1,500 sums of money as remaining due to donors of the same class as those subscriptions to which Archdeacon Daly's inquiry relates, and which are not carried into that account at all.

Canon Fleming.—They only lent money to get the institution out of its difficulties.

505. Archdeacon DALY.—Do these books set out fully your expenditures?

Canon Fleming.—No, not at all; only Mr. Milles's expenditure.

506. Mr. Justice O'BRIEN.—There is no account except as regards his debt.

Canon Fleming.—I paid the taxes all along.

507. Archdeacon DALY.—Isn't the keep of the boys included in this expenditure?

Canon Fleming.—No, not at all. The Gresham account for £200 is not in it.

508. Mr. Justice O'BRIEN.—What is the meaning of the item for "rabbits"?

Mr. Milles.—We bought a few to make soup for the boys.

Lord Justice FITZGERSON.—Mr. Milles's account contains a great many other items expended on the boys.

509. Mr. Justice O'BRIEN.—Will you be present at Loughrea, Canon Fleming?

Canon Fleming.—No. You have the whole statement before you.

Archdeacon DALY.—I am inviting him to come. I was not instructed to make any statement reflecting on Canon Fleming in the least.

The inquiry then terminated.

Oct. 16, 1890.

PUBLIC SITTING—THURSDAY, OCTOBER 16, 1890.

At the Courthouse, Loughrea.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and ANTHONY TRILLI, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

THE ROCKFIELD INSTITUTION, LYONS ENDOWMENT.

[CONTINUED INQUIRY.]

Lord Justice FITZGERSON made an introductory statement.

The Ven. EDWARD RUSS, B.A., Archdeacon of Kilmacdough, sworn and examined.

510. Lord Justice FITZGERSON.—You are the Rector of Loughrea?—Yes. Since 1858.

511. Then you were here for five years before 1863?—Yes.

512. Did you ever hear or know anything about the Lyons Endowment?—Nothing. All I know about the matter is that I have a very indistinct recollection of getting a letter from a clergyman in Connemara—Mullen, I think, was his name—who merely asked me if there were any boys that might be suitable for the Rockfield Institution.

513. About what date was that?—I think it was about 1870.

514. Then whatever communication you got was after the Rockfield Institution had been established?—Certainly.

515. As Rector of Loughrea did you hear anything at all of the foundation of the Rockfield Institution?—No, I knew nothing in the world about it.

516. We were informed in Connemara that advertisements for Loughrea boys had been published—did you hear of them?—I never heard of them. The only paper I got is the *Irish Times*. There may have been advertisements in other papers without my knowing anything about them.

517. Lord Justice FITZGERSON.—What number of Protestant families are there in Loughrea who would be likely to have sons available for an institution of this kind?—Was the seminary to be mixed with the agricultural institution?

518. They are mixed together?—At present I should say none. There have been families heretofore, but

their children are all grown up. There is but one now that I think might take advantage of the Institution.

519. What is the whole population of the parish of Loughrea?—About 3,000.

520. What is the Protestant population?—My return is about 130.

521. That includes adults and children?—All.

522. What is the area of the parish?—Nearly 20,000 acres. It is a union of three parishes.

523. Does any parish come near the town of Loughrea, except that of which you are Rector?—Not close to the town. The parish of Killinane comes to within about two miles, and Kilcennickny about the same.

524. What provision is there for education in Loughrea?—I had a school until the number of my Protestant children fell off, and then I gave it up. It was maintained by myself. Since the Dowager Lady Clancarty came to live in the neighbourhood she has had a school for the benefit of her own followers about a mile from the town.

525. About how many pupils attend it?—There are 14 on the list, and the average attendance is from 10 to 12.

526. Mr. Justice O'BRIEN.—Do any Protestant children attend the National Schools in the town?—Yes, when the children are young. At present we have a soldier in the recruiting service, who has two little children; and he gives as a reason for being obliged to send them to the National School that they are too young to send out to the Protestant school of Lady Clancarty.

327. Is the school of *Lady Clancarty* the nearest school to *Loughrea* under Protestant management?—It is the only one.

328. Is this the only family of young Protestant children at present wanting primary education in *Loughrea*?—I think the only one. From time to time there may be a Protestant policeman, but never permanently. At present I think there is not one resident here.

329. Sometimes they shoot them here?—Yes, one of the most respectable men we ever had was shot, *Constable Linton*. A very respectable steady good man, and a friend to the people. He incurred their resentment in some way, and they shot him in the street about nine o'clock in the evening.

330. Lord Justice *FitzGibbon*.—In what year was that?—About 1882.

331. Is there any agricultural teaching in *Loughrea* or its neighbourhood?—There is a school they called the *Agricultural School*. It is under the *National Board*, but how far they teach agriculture I don't know; nor do I think they teach it at all.

332. Who is the manager?—I think it was under the late *Lord Clancarty*.—I really can't tell you who manages it now. I never knew a priest to take any particular interest in it. There is no Protestant school.

333. Where is this "Agricultural School"?—About half a mile from the town.

334. Is there any land connected with it?—A few acres.

335. Dr. *TRAILL*.—Is there any agricultural teacher there?—There is not. There is the ordinary *National school teacher*.

336. Lord Justice *FitzGibbon*.—Then in fact it is an ordinary *National school*?—It is, to all intents and purposes. There is another *National school* in the town largely attended by the children of the town.

337. The way the "*Lyons Endowment*" stands in this—there are 500 acres of land, at one time valued at £2,500; the present managers owe a great deal of money; some of their debt is perhaps a charge on the land, more of it certainly is not a charge. Nothing can be done for *Loughrea* unless the value of the place is realized. Supposing any money to be realized, can you suggest what use could be made of it in *Loughrea*?—From anything I know of the purpose of the endowment, I could not say in what way it could be utilized in *Loughrea*. No land could be got anywhere about the town of *Loughrea*. Some years ago I was looking for land for a glebe, but I found it impossible to get it.

338. They told us in *Connemara* that it was impossible to get land in *Loughrea* in 1848 for the purpose of founding this Institution?—I think they were quite right.

THE VEAR *HENRY V. DALE, M.A.*, Archdeacon of Clonsfert, sworn and examined.

339. Lord Justice *FitzGibbon*.—You are the Archdeacon of this Diocese, and also the Rector of *Gort*?—Yes.

340. How near does the parish of *Gort* come to *Loughrea*?—It is twelve miles from it.

341. Is it an adjoining parish?—No.

342. You are acquainted with the neighbourhood, and its educational wants?—I live in the neighbourhood. I know all the circumstances of this diocese, having being secretary to the Diocesan Council for twenty years, and I have been deputed by resolution of the Council to attend and give information as regards educational endowments.

343. Have you made any inquiries as to the course taken with respect to the claims of this locality when the Institution was founded at *Rockfield*?—I came to the diocese in 1845. The whole thing was done in 1843, and I did not know anything about it, until I got a copy of the will from the Secretary of this Commission after the first inquiry at *Galway* in 1885.

343a. Since then have you made any inquiry?—Yes.

344. What is the upshot of it?—That if the property be sold discharged from the debts—which are not legal liabilities—we could utilize it for the diocese, and also for *Loughrea* and its vicinity, taking a radius of ten or twelve miles round *Loughrea*, so as to take in the important towns of *Ballinasloe*, *Portlanna*, and *Gort*. *Ballinasloe* is fifteen miles from here, *Gort* twelve, and *Portlanna* fourteen. Including these towns and *Loughrea*, I should be able very easily to obtain the number of pupils required by the will of *Colonel Lyons*.

344a. There is not money enough to carry out this project of founding a separate Institution. Therefore, to do what the testator directs is impossible. That being so, what suggestion have you to make as regards utilizing the funds?—The school mentioned by *Archdeacon Rush* depends for maintenance on the life of a very old lady, the Dowager *Lady Clancarty*, the mother of the present *Lord Clancarty*, who is nearly sixty years of age. His mother supports the school. According to the course of nature that cannot be expected to last long. When *Lord Duno* succeeds, I don't expect he will continue this endowment. Therefore, the children in this parish

would then be utterly deprived of the means of education. It will be the same in *Ballinasloe*.

345. How long has the school established by the Dowager *Lady Clancarty* been in existence?

Archdeacon Rush.—Fourteen or fifteen years.

Witness.—In the town of *Ballinasloe* all the Protestant schools are supported by *Lord Clancarty*. They don't cost the Church funds a penny.

346. Lord Justice *FitzGibbon*.—Are they in connection with the *National Board*?—No. In all religious and political matters the present *Lord Clancarty* follows the footsteps of his father. All the schools on his property are supported by him. I have a very gloomy outlook as regards the education of the children who are on the property, when the present *Lord Clancarty* is taken away; and, therefore, I ask you to take an extended view of the meaning of the words "*Loughrea and its vicinity*," in the will. We could invest the money and utilize it easily to provide schoolmasters and requisites.

347. Mr. Justice *O'HERRIN*.—Do you abandon all idea of trying to re-erect the agricultural school?—We would not have sufficient money to build a school; but I am certain that *Lord Clancarty*, if he understood the matter, would give us a farm in connection with one of his schools in *Ballinasloe*. They are splendid schools and beautifully furnished.

Mr. Justice *O'HERRIN*.—Agricultural schools have failed in other places.

348. Lord Justice *FitzGibbon*.—A few have succeeded on a small scale, as *National Schools* having a bit of land attached. (*To the Witness*).—About these "four magistrates of the town of *Loughrea*," who are now the resident gentry of this neighbourhood?—There are no Protestant magistrates actually residing in the town or neighbourhood. Major *Rogers* lives three miles away in the parish of *Kilbreest*, and Mr. *Hardy* lives on the other side. If the Roman Catholic magistrates would not, there are *Captain Smith* and *Major Burke*. Mr. *Fennell*, who is present, lives very close, and would do anything he could to help the education of the Protestant children in the diocese. He is one of our most respected synod-men. We could get "four magistrates" easily enough.

349. Mr. Justice *O'HERRIN*.—Do you contemplate the application of the endowment exclusively to the

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Ven. Edward
Rush, &c.

Ven. Henry V.
Dale, M.A.

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 Rev. Henry V.
 Daly, M.A.

Protestant population?—Provided we get 40 boys. If we did not, there should be one-third of the whole number Roman Catholics.

550. Lord Justice FRERGINSON.—In 1835, when the Chancery Scheme was settled, and the Irish Church Missions got into connection with the Institution, the construction apparently put on the will was that any Roman Catholics who were admitted were to learn the Prayer Book, Homilies, &c., like all the rest.

Mr. Justice O'BRIEN.—I should put the opposite construction on it.

551. Lord Justice FRERGINSON.—But such boy was to get a copy of the Prayer Book whether he was a Roman Catholic or a Protestant. The will says that "such boy's Christian and surname is to be written in his copy of the Prayer Book."

Witness.—Could we be permitted to import boys as they do at Rockfield at present?

552. Lord Justice FRERGINSON.—We found that some of the boys drafted from the Spiddal Orphanage had originally come from Dublin.

Witness.—If we were allowed to import boys in the same way we would get the 40 boys in a very short time.

553. Mr. Justice O'BRIEN.—The moment you began to import boys I should begin to suspect you. Be very careful that there is no "contaband."

Witness.—Very well. I only want to show that from "Loughrea and its vicinity" we could get 40 boys by enlarging the area. In Ballinakill there are 25 boys attending the Protestant school there. In Clontarf there are 12. I visit the schools as Archdeacon and Rural Dean. In Kildare, which is very close to Loughrea, there are 7 or 8 boys available now, and 10 will soon be so.

554. What do you mean by "available"?—I mean capable of receiving instruction.

555. Dr. TRAILL.—Do you mean that they should come as boarders?—Of course they will if you have endowments. They will be very glad to do it.

Archdeacon Rush.—When I was asked just now what numbers were available I confined myself in my reply exclusively to the town of Loughrea. At Lady Chancery's school there are 14 on the list, all of whom are Protestants.

556. Lord Justice FRERGINSON.—So far as we see at present, it is hopeless to think of establishing a boarding institution with this money. As regards day boys, we have been trying through Ireland to induce the people to accept Government aid for primary education, and to supplement the State provision by employing their own small endowments in giving technical education, such as instruction in agriculture and trades, and in giving advanced teaching to clever pupils—all of which this testator intended. His will was made at a time when no public money was available for primary instruction. We cannot now regard as the greatest want for primary education, because means for that are obtainable from the State; if people decline, from conscientious reasons—whether "Church Education" people or Christian Brothers—so take the State aid, they supply it themselves; so in either case primary education is supplied. But an endowment like the present is most needed to supplement primary education.

Witness.—We have no objection in this diocese to obtain State aid when we cannot support our schools from private sources. I am showing you that very likely we shall not be able to support our private schools by-and-by.

557. Mr. Justice O'BRIEN.—According to your statement your wants are supplied at present, and whatever is done in future must be in substitution of Lord and Lady Chancery's aid.

Witness.—I don't think the pupils are so efficiently taught as they could be if the schools had an endowment from the State or from you. We should get better qualified teachers. Suppose I pay a man £50 a year, if I were able to pay £100 I would get a more qualified teacher.

558. Mr. Justice O'BRIEN.—The Dowager Lady Chancery might object to any interference with her school.

Witness.—She will object so long as she lives to any interference with her school. Of this I am perfectly satisfied.

559. Lord Justice FRERGINSON.—We could only give an additional education to what she gives. Itinerant teachers could teach trades. You could not expect more out of this endowment.

Witness.—I want to impress upon you that we are already entitled under the will to this property.

560. Lord Justice FRERGINSON.—You don't hold that Ballinakill is in the "vicinity" of Loughrea?—Certainly not, nor is it even in the diocese of which Loughrea is the very heart and centre. It is in Tuam diocese.

561. Lord Justice FRERGINSON.—It could only have been by deciding that Ballinakill was "in the vicinity of Loughrea," regarded from Dublin that the Chancery Scheme put the institution there at all!

Witness.—It was one of the most outrageous jobs that ever was perpetrated.

562. Dr. TRAILL.—Possibly they could not get land any nearer to Loughrea?—Of course they could. Mr. Perce, who is here, and who is agent to his brother, will tell you that it would have been possible to get a farm in 1861 or 1863 to teach children agriculture if any effort had been made to get it.

563. Lord Justice FRERGINSON.—You need not trouble yourself about an agricultural farm, because that is now quite out of the question, having regard to the amount of this money.

Witness.—I want to put strongly before the Commission that this property should be realized for us and devoted to the education of the Protestant children of Loughrea and its "vicinity" as I have suggested. This endowment is absolutely necessary to give technical education in addition to the primary education already given; and it will become more necessary in a short time.

564. Mr. Justice O'BRIEN.—You entertain a very strong opinion that the existing institution in Ballinakill has entirely failed for all purposes?—I am as clear of that as I can be; but I must correct an impression which has gone abroad. Archdeacon Rush thinks that it is an Irish Church Mission school. Canon Fleming has sworn positively that it had no connexion whatever with the Irish Church Missions.

565. Lord Justice FRERGINSON.—The way that impression arose was this. In one of the reports of the Irish Church Missions, the Rockfield Institution appeared as one of their schools. That report was sent by the parish priest of Ballinakill to the Commissioners of Charitable Donations and Bequests. They sent down their secretary, Mr. Green, to inquire about the matter. Canon Fleming then said that the statement was published without his knowledge, and occurred, in fact, by accident; and the whole connexion, according to his evidence, between the two institutions was that the boys were sent to a neighbouring Church Missions school for their literary education. But we found the other day, that the Irish Church Missions school had now become so small that the schoolmaster comes up to Rockfield to teach the four boys who are there, and also that the manager of the institution is a salaried Scripture reader of the Irish Church Missions Society, and the husband of the matron.

566. Witness.—The following evidence appears in the Commissioners' Report for 1838-39, page 55:—

"1484. Is this school connected with the Irish Church Missions?—No, it is not—except that the boys are educated at my parochial school, the master of which is paid by the Church Missions.

"1495. Does this school get any subvention from the

Irish Church Mission?—No, not a shilling; but one of the agents of the Society is allowed to assist in the management of its place.

That is the sworn testimony of Canon Fleming, as to the Irish Church Mission having nothing to do with the school.

567. Lord Justice Fitzgerald.—Unfortunately the gentleman who was so allowed to assist now claims to be a creditor to the amount of £216 on an overdraft running account. He has the name of Canon Fleming on a bill for a further sum of £57 13s. 6d., and he recovered £87 10s. more from the executors of the late Canon Cary for cash advanced. The place is now in a hopeless state of debt. There are only four boys there, three of whom were sent from the Spiddal Orphanage, which is in connection with the Irish Church Mission, and that Society pays £8 a year for each of them, although that payment does not appear in the accounts.

Mr. Justice O'Brien.—The institution is clearly connected with the Irish Church Mission.

Witness.—I think any debts that are on the place are not legally binding. I am perfectly certain that they will be discharged in another way.

568. Dr. Traill.—How can you be certain of that?—I cannot be certain of it, but I have reason to think so.

ILLERTON SCHOOL (PARSONS PERSES' ENDOWMENT).

572. Lord Justice Fitzgerald.—This case of the Illerton Endowment was sent to us by the Commissioners of the Charitable Donations and Bequests with the following letter:—

"12th April, 1888.

"Sir,

"I am directed by my Commissioners to request that you will bring under the notice of the Commissioners of Educational Endowments, Ireland, the facts contained in the accompanying memorandum, and that you will inform the Board whether the case is one with which your Commissioners would be prepared to deal. I may point out that under section 6, 34 and 35 Vic., cap. 102, my Commissioners have power to frame a Scheme dealing with this Charity, but they are of opinion that the case is one which could be more satisfactorily dealt with by your Commissioners.

"Yours faithfully,

"ARNOLD GRAY, Secretary.

"**MRS. BARNUM.**—By will proved 21st September, 1812, Parsons Perse left an annuity of £25, charged on the lands of Illertown, to pay the salary of a schoolmaster at Illerton, the school to be a Free School for the poor children of the tenants on his estate in the County Galway. By scheme of the Court of Chancery of the 13th October, 1838, it was directed that a schoolhouse should be erected on the lands of Illerton, out of the arrears of the said annuity, and that the residue of such arrears should be applied by the Commissioners, from time to time, in the purchase of school requisites or necessaries on premises for the children. The amount of such residue now is the Commissioners' hands is £238 13s. 2d. New Tenants, and £18 4s. cash, the latter being accumulated dividends. In the year 1878 the school was discontinued. The Commissioners of National Education having reported that it was impracticable to re-establish the school, and application having been made to the Commissioners by the representatives of the testator and others that the income of the

569. Dr. Traill.—That is rather a loose statement after the evidence we had before us the other day.

Witness.—I heard since that the £200, Miss Davies' money, never will be looked for.

Mr. Justice O'Brien.—The Scripture reader will be looking for his money.

570. Lord Justice Fitzgerald.—I don't think the ladies could recover their money in a court of law, and the balance on the farming account may perhaps be irrecoverable; but I cannot see how the clergyman can escape the bill or the overdraft due to the bank for which he is personally liable.

Witness.—These two debts can be recovered against Canon Fleming.

571. Lord Justice Fitzgerald.—I don't think he will think it a small thing to have to pay £150 out of his own pocket.

Dr. Traill.—It will be worse if he is put in for the £200.

Witness.—I don't want to injure Canon Fleming; but I represent the interests of this diocese, and my duty is clearly and plainly to demand this endowment on behalf of the diocese of Clonfert. I am also instructed on behalf of the diocese to appear by counsel and solicitor before the Privy Council, if necessary, in order to establish its claim.

school should be transferred to a school at Kilbreest, the Board resolved that as soon as the school at Kilbreest was in operation, the Commissioners would consider favourably any application for a scheme to transfer the endowment to it. Negotiations were carried on for some time to carry out this object, and recently the Commissioners have been informed that the attempt to start a school at Kilbreest had failed. It therefore becomes necessary to have a new scheme for the application of the Charity."

We asked what was doing about the exceeding annuity of £25, and they wrote this further letter:—

"26th March, 1888.

"Sir,

"With reference to my letter of 12th April, 1888, in above Educational Endowment, I am directed by my Commissioners to inform your Board that there are now five years arrears of this annuity due by the present owner of the lands upon which it is charged (Mr. B. Perse). My Commissioners put every pressure they could upon Mr. Perse, who has recently come into possession, and upon his predecessors, short of instituting legal proceedings. This they were loth to do, taking into consideration the straitened condition of Mr. Perse, and also the fact that the Charity is not yet in operation. Before deciding what action they will now take, and as the case has been referred to the Educational Endowment Commissioners to frame a scheme, my Commissioners would be glad if they could communicate their views as to whether it would be desirable at the present time to take legal proceedings for the recovery of the annuity.

"I am your obedient servant,

"ARNOLD GRAY, Secretary.

"To the Secretary Educational Endowments Commissioners."

ALGERSON PERSE, Esq., J.P., sworn and examined.

573. Lord Justice Fitzgerald.—How long have you been agent over the property on which this annuity is charged?—I am not the agent of the property on which the annuity is charged, but I have been for the last twelve years agent of the property on which the schoolhouse is built. There was a family partition, and the heir-at-law got one part of property.

574. On whose property is the £25 charged?—Mr. Burton Perse's property.

575. On whose property is the schoolhouse?—Captain Dudley Perse's property.

576. The testator gave the endowment for a "free school for the poor children of the tenants on his estate in the county of Galway"—did that estate include, at the date of the will, both the properties you mention?—Yes.

Q. 10, 1888.

Vol. Henry V
Daly, H.A.

Algermon
Perse, esq.,
J.P.

Oct. 16, 1893.

Algeron
Perce, esq.,
J.P.

577. Do you know what amount is due on the annuity 1—No.

578. What is the present condition of the schoolhouse 1—It is completely gone to the bed.

579. Mr. Justice O'BRIEN.—Was it ever occupied 1—Up to 1875 it was a Protestant school. My father died, and there were changes, and it was found impossible to continue it.

580. Is was never connected with the National Board 1—No; I endeavoured to have it placed under the National Board, but there was another National School too close to it, and it was impossible on that account.

581. Do the children that formerly went to it go to a National School 1—They do. It is a long way from any population. It is in a small village. It was badly situated originally. I tried to have a sort of day school, and to interest the priest in the management of it; but it fell through—it was not feasible at all.

582. Lord Justice FITZGERSON.—How far is Kildrecht from Illerton 1—Two and a half miles.

583. What is the nearest school to the old building 1—About a mile.

584. What is the name of it 1—Sculp, or Castle Daly. It is on another property.

585. Is there no school near Illerton and on Mr. Perce's property 1—No.

586. If there was a school at Illerton for the children of all the tenants what number of pupils would be available 1—I could hardly give you an idea.

587. Could you establish a National School where the old building is 1—You could, as far as numbers are concerned, but it is very near an existing National School, which would make it impossible.

588. Can you give us any notion of how many tenants there are on the testator's estate 1—There are very few within practicable distance of the Illerton schoolhouse. There are several families that are not on the estate. Within a radius of three miles there are not more than ten families in all, but they are in another direction.

589. What was the population of that part of the world when this will was made 1—It was far larger than it is at present.

590. Mr. Justice O'BRIEN.—Is there a roof on the schoolhouse 1—It is half on and half off.

591. Is it true that the windows have been taken away, and the place dismantled by the people 1—Yes. I wanted the Commissioners to put a caretaker in.

592. Lord Justice FITZGERSON.—Is there any land connected with the schoolhouse 1—The schoolmistress has an acre or so.

Archdeacon DALY.—That land was given by the witness's father and did not form any part of the endowment. I was curate of the parish for two years, and visited this school of Illerton often, when it was in full working order. There were twenty-two children there then.

593. Lord Justice FITZGERSON.—What land is there

connected with the schoolhouse 1—There is no land belonging to the endowment. The school was built at Illerton according to the wishes of the testator. There was a garden given which is the private property of Captain Dudley Perce, and which does not go with the endowment. Here is a memorandum which I took from Mrs. Perce, of Galway, the other day:—

"The endowment has not been paid for twelve years. £500 was left for the house. All that has been actually spent was £22 a year. The remainder is in the hands of the Commissioners. There were 25 pupils on the roll."

I can verify that, for I visited the school from 1879 to 1874:—

"The land for the school was given by the Roxborough family. The garden was not given but was allowed as a favour by Mrs. Perce to the witness, £10 a year additional was given by the Roxborough family as a gift from themselves to supplement the salary of the mistress."

594. Mr. Justice O'BRIEN.—I understand from Mr. Perce that the estate was divided, and that the part came to Captain Dudley Perce on which this school house stands.

Witness.—The Roxborough family were bound to give the site of the schoolhouse; but not the garden.

595. Lord Justice FITZGERSON.—The division of the property was made subsequent to 1812. Parsons Perce in 1815 directed that the school should be "on his estates in Galway." We want to know what his "estates" were at that time. He must have possessed Ballyrann for he charged it with the annuity.

Witness.—If that belonged to him then the other part of the estate on which the school was built belonged to him.

596. Lord Justice FITZGERSON.—The schoolhouse was not built for forty-one years afterwards—until 1853. Is the building worth anything 1—Nothing, except as a schoolhouse.

597. Who is in possession of it 1—Nobody. The schoolmistress went away twelve years ago. She locked it up and left the key at Roxborough. I wrote to the Commissioners to get a caretaker.

598. Mr. Justice O'BRIEN.—I suppose the £10 a year was not collected 1

Archdeacon DALY.—That was a free gift. When the school closed there was no necessity for the £10.

599. Dr. TRILL (to Mr. Perce).—It is really in your hands now I suppose 1—I suppose it is legally. I don't know whether it is actually. As a matter of fact, there is nobody in the place. It was locked up, and the doors got beaten in.

Archdeacon DALY.—I don't think there is a single window in it now.

600. Lord Justice FITZGERSON.—Do you happen to know in whom it is vested 1

Witness.—No, I do not.

Archdeacon DALY.—I have an indistinct recollection that it was vested in the witness's father.

BOSTON W. PERCE, Esq., J.P., sworn and examined.

Boston W.
Perce, esq.,
J.P.

601. Lord Justice FITZGERSON.—When did you come into possession of the Ballyrann Estate 1—Five or six years ago.

602. At that time the school was not in existence 1—No, not to my knowledge.

603. The Commissioners of Charitable Donations and Bequests have been corresponding about the school from time to time. Has any payment been made on foot of the annuity since the correspondence began 1—Really, I cannot give you any information at all about it, because shortly after my father's death I went to Australia, and was two years away. During that time I appointed Mr. Joyce my agent. On my return I appointed another agent, Mr. Armstrong, whom I have written to, asking him to meet us here

to-day, and I don't know how it is that he has not come.

604. There has been no payment of this annuity in your time 1—Not that I know of.

605. Do you live on the estate 1—No, I am living at present with my uncle, Colonel Perce, at Belville.

606. Do you know the extent of the estate 1—I fancy about 400 acres.

607. About how many tenants are there on the estate 1—That's more than I can tell you.

Mr. Algeron Perce.—About half a dozen.

608. Mr. Justice O'BRIEN (to witness).—Don't you know your own rental 1—I should say it is about £600 a year.

602. Lord Justice FITZGERSON.—From the estate on which the £30 a year is charged?—I never looked over my own books. My father did his own agency business; and when he died I appointed Mr. Joyce, and went to Australia; and afterwards I appointed Mr. Armstrong. I have an idea that they called on my father about this same business, and I think that my father refused to pay it until he saw that something satisfactory was done.

610. Lord Justice FITZGERSON.—It may be—I am not saying it is so—that he is not bound to pay the annuity unless there is a schoolmaster; but that is a matter which we can hardly decide here. The will says, after giving money to build the schoolhouse on the lands of Ilberton—

"I charge and remember for ever the township of Ballysuzanne, with a rent of £30, to be paid as an annual salary for the schoolmaster of said school, which schoolmaster shall be in the nomination of such persons as shall from time to time be in the estate and possession of my estates in the County of Galway."

611. Dr. TRAILL (to witness).—Have you any schools on any part of your property now to which this money could be applied?—No, not to my knowledge.

612. Lord Justice FITZGERSON.—You are in possession of the Ballysuzanne estate?—Yes.

613. Mr. Dudley PERSE is in possession of the Ilberton estate?

Mr. ALGERSON PERSE.—Yes, my brother, whom I represent.

614. Do these two estates make up all that the testator had?

Mr. ALGERSON PERSE.—That was the sum of all.

615. Then Mr. Burton PERSE and Mr. Dudley PERSE now are in the estate of all the testator's estates in Galway?—Yes.

616. Dr. TRAILL.—Where do the children that are on the estate on which the annuity is charged go to for schooling?

Mr. ALGERSON PERSE.—They go in another direction altogether.

617. How far is that estate from the school?—About two miles.

618. Archdeacon DOLY.—In the village of Kilchreest there is a very good schoolhouse fully furnished, although at present there are no pupils attending it. It is only two and a half miles from Ilberton school. It is also on the estate; and I suggest that it would be possible to utilize this £35 a year on the Kilchreest school.

619. Lord Justice FITZGERSON.—Which branch of the estate is Kilchreest school on?—Kilchreest is on Mr. Dudley PERSE's property, and so is Ilberton.

620. Mr. Justice O'BRYEN.—Is there a National School in Kilchreest?—There is, a little bit away from the village.

621. Very likely the children are provided for there to some extent?—I dare say they are.

Oct. 26, 1890.

Burton W.
PERSE, esq.,
A.P.

The Rev. ROBERT BRADSHAW, M.A., SWORN AND EXAMINED.

622. Lord Justice FITZGERSON.—You are the incumbent of the Union of Killinure?—I am.

623. That includes Kilchreest?—Yes.

624. What schools have you in the parish under your management?—There are none under my management.

625. Are there any Protestant children in your parish requiring primary education?—There are at present seven attending Sunday school who go to the National school, about half a mile from Kilchreest.

626. Who is the manager of the National school?—The Parish Priest.

627. Do you know the number of children attending it?—I don't know exactly, but I hear there are frequently 150. I don't know how the schoolhouse holds them.

628. How far is it from the schoolhouse at Ilberton?—Between two and three miles.

629. Of these children what proportion are the children of tenants on the Perse estate?—At least thirty, including the children of labourers.

630. You have a schoolhouse at Kilchreest that is closed?—Yes.

631. What is the history of that school?—Well, it was a Church school formerly. I have only been in the parish since 1886. I don't think there has been a school there for a long time.

632. It has not been in operation in your time?—No.

633. Nor, as far as you know, at all recently?—No. My stabling is under it. It is part of the glaze.

Archdeacon DOLY.—It is vested in the Representative Church Body.

634. Lord Justice FITZGERSON (to witness).—Can you give us any idea as to how this endowment could be made useful for the education of the children of

the tenants on the Perse estates?—As regards the tenants' children I don't know that I could. There are in my parish at present, not far from Kilchreest, and most of them living in it, sixteen Protestant children.

635. Are these all on the Perse property?—I don't think so.

636. Dr. TRAILL.—Where do they go to school?—To the National school, most of them, about half a mile from Kilchreest.

637. I thought you said there were only seven Protestant children in your parish?—Seven attending Sunday school. The others are too young to attend.

638. Do you get any facilities in the National school for giving religious instruction to your Protestant children?—No. Our children are so few that I never asked whether I could be allowed to do so; and I think it would be rather interfering with them.

639. Lord Justice FITZGERSON.—That school is ever full?—I think so.

640. Lord Justice FITZGERSON.—If this will is to be followed, the gentlemen who are in possession of the testator's property should have a share in the management of the school and the nomination of the master.

Archdeacon DOLY.—Mrs. PERSE in previous times managed the school and nominated the teacher. She consulted the rector of the parish. I know that Mr. Burton PERSE, the father of our friend here, allowed Mrs. PERSE, of Roxborough, to nominate the master whilst the school was in operation.

641. Lord Justice FITZGERSON.—Do any of you know how long the Roman Catholic school has been established at Kilchreest?

Archdeacon DOLY.—It was established long before my time.

The inquiry then terminated.

Rev. Robert
Bradshaw, M.A.

PUBLIC SITTING—FRIDAY, OCTOBER 17, 1890.

At the Courthouse, Limerick.

Present:—The Right Hon. Lord Justice FITZGERDON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

*No. 90.—THE DIOCESAN SCHOOLS AND BANAGHER ROYAL SCHOOL ENDOWMENTS (LIMERICK DIOCESAN SCHOOL).

*No. 94.—THE LIMERICK ENDOWMENT FOR TECHNICAL EDUCATION.

*No. 95.—THE LEAMY ENDOWMENT.

*(OBJECTIONS AND AMENDMENTS.)

Mr. J. G. Barry, J.P., appeared on behalf of the Trustees of Mungret College; Mr. P. S. Connolly, Solicitor, and Rev. T. Head, A.S., Rector of Mungret College, appeared on behalf of the Leases of the College; Mr. Dunbar P. Barton, Q.C., instructed by Mr. Bewcham, appeared for the Governors of Leamy's School and the Rev. Canon J. F. Gregg, Manager of the Roxborough Road School.

The following were also present:—Right Rev. Dr. Grana, Protestant Bishop of Limerick, Ardferd, and Aghadoe; Most Rev. Dr. O'Dwyer, Roman Catholic Bishop of Limerick; Very Rev. Thomas Banbury, D.D., Dean of Limerick; Ven. P. C. Hamilton, A.M., Archdeacon; Rev. James Deed, A.M.; Rev. Canon Gregg, Rev. L. H. O'Brien, Very Rev. Wm. Molloy, V.O.; Rev. M. Murphy, Rev. T. Brown, P.P.; Mr. Allen Stone, J.P.; Rev. David Wilson, D.D.; Jerome Cronin, J.P.; James O'Shaughnessy, M.D.; Rev. T. O'Keefe, A.S.; Lord Clonville, James Quinn, J.P.; &c.

642. Lord Justice FITZGERDON.—This is a sitting to hear objections to three Limerick Schemes, and we should be glad to know first who appears; we have received altogether seventeen objections to the three Schemes.

Mr. Dundon, Solicitor.—I appear for the Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick.

643. Lord Justice FITZGERDON.—Canon Gregg I see here, and Mr. Quinn, and the Rev. Mr. Head.

Mr. P. S. Connolly, Solicitor.—I appear for Mr. Head.

644. Lord Justice FITZGERDON.—And Father Brown?

Rev. T. Brown.—I am here myself.

645. Lord Justice FITZGERDON.—Then there are the Leamy School Governors; I see Dean Banbury here. For whom do you appear, Mr. Barton?

Mr. D. P. Barton, Q.C.—I appear to support Dean Banbury and Canon Gregg with regard to the various objections to the three Schemes on behalf of the different Protestant denominations.

646. Lord Justice FITZGERDON.—The Diocesan Council of Limerick; the Diocesan Court of the Presbyterian Church, Limerick; the Congregation of the Wesley Chapel, George-street; the Congregational Church, and the Bedford-row Methodist Congregation. Then there are the objections of Mr. Mercer and Mr. Moore, vested interests.

Dean Banbury.—Mr. Mercer will appear for himself.

647. Lord Justice FITZGERDON.—We have appointed this sitting to consider the objections to three draft schemes for the future management of endowments connected with Limerick. We have got since our last sitting some additional information, and I think it will assist all parties that I should now fully state the position of each of these schemes, and explain the duty which devolves on us respecting them. On a former occasion we held a preliminary inquiry with a view to ascertain the facts that should guide us in preparing the draft schemes. At that stage of our proceedings, and also in the preparation of the draft schemes, the responsibility for the action of the Commission

devolved upon our whole body. But under section 25 of our Act, now that we have published the draft schemes, and have allowed them to remain open for objections during two months, as we have advanced towards considering the final form in which the schemes are to be signed, the responsibility is thrown upon the Judicial Commissioners alone; and therefore, for any amendments that may be made in the draft schemes, and for any decision that may be now come to with respect to them, the Judicial Commissioners must take the full responsibility. In discharging this duty, we are discharging a judicial function which is discretionary only within very strict limits. We are bound in the first instance by our Act of Parliament, and we are also bound by the general law, by the rules of Equity, and by decisions relating to charities and to endowments for educational purposes. We are bound to discharge these duties under the same sanction as our other judicial duties, and we hold our office under this Act—I for one should never have held it otherwise—under identically the same independent title by which we hold our offices as members of the Supreme Court of Justice.

Before I deal in detail with these cases I wish to point out that nothing can be done under our Act in which both Judicial Commissioners do not concur; one of us cannot sign one scheme and the other another. No scheme can be sent forward to the Lord Lieutenant except under the signatures of both of us, and therefore, where opposing views are presented, you must present them so as to satisfy both of us as to what is right in the particular case. The only effect of our not being able—my learned colleague and myself—to arrive at a conclusion that we were justified in signing any particular scheme, would be to leave things as they are. My learned friend and colleague, who has since left us, and I pointed out at the close of our last sitting here on October 25th, 1889, that the question whether we should sign any scheme was, to some extent, a matter of discretion, and that there was always the resource open to us of signing no scheme and leaving things as they were. Our only reason for not leaving things as they are in the case of these three endowments is because, at present, we are not satisfied that any of them is in a

satisfactory condition. With regard to the Public Endowment that is included in Scheme No. 90, the Rev. Canon Gregg is in possession as tenant of certain property of public origin, upon which he has expended a considerable sum, but he holds it under an extremely precarious title. In the case of Munget, included in Scheme No. 94, property is held under a lease made by the authority of the Lord Lieutenant under a scheme framed under a special Act of Parliament. The lessees have given over the management of the College to the Jesuit Society, which has expended a very large amount upon it, but they are under infirmities, perhaps not so much in their title as from the trusts which they are bound to carry out, and in both cases the same danger exists, viz. :—that any discontented person may bring the occupiers of this public property into disastrous litigation, unless advantage is taken of our Act to put an end to the questions that threaten there.

The Leamy Endowment, dealt with by Scheme No. 95, differs from the other two in that it is of private origin; there the question is whether the endowment is being applied for the purpose which the testator intended, and if not, whether we can use our powers so as justly to extend its usefulness to those whom the testator intended it to reach.

I must now ask you to bear with me while I state the facts with regard to these three endowments as shortly as I can, although from the number, the difficulty, and the complication of the cases I cannot do it by any means shortly.

The first of the Schemes is No. 90, dealing with as much of the old Diocesan School Endowment as is now appropriated by the landlady's interest in the premises which are occupied by Canon Gregg, and now used for the purposes of the Roxborough Road School. The objections to that Scheme are, in effect, but two. On the one side the Most Rev. Dr. O'Dwyer, the Roman Catholic Bishop of Limerick, objects that the terms which our scheme offers Canon Gregg for the acquisition of the premises in perpetuity are too favourable. On the other side Canon Gregg himself, and all the Protestant objectors, think those terms are not favourable enough, and they demand specifically that Canon Gregg should have a right of pre-emption. Dr. O'Dwyer desires that Canon Gregg's outlay on useful permanent improvements since 18th December, 1879, should be ascertained, and thinks it reasonable that he should be allowed the full value of all improvements, but he contends that he should not be allowed anything for expenditure prior to that date, and that he should not be allowed anything for "goodwill," or for expenditure upon what may be called ephemeral repairs. On the other hand Canon Gregg claims that, under the circumstances in which he has come into possession of the property, he ought now to have a right of pre-emption, that is to say, that he should be permanently confirmed in his possession, provided he pays a fair price, which he is willing to have fixed by us, allowing for his expenditure. Those two points really sum up all the questions that arise with regard to that endowment, and upon those points we have received since our last inquiry some very valuable information. In the first place, as regards the expenditure, we have called upon Canon Gregg for an account of all that he spent on the Roxborough Road premises since he got possession. He furnished us on November 25, 1889, with a detailed account, accompanied by a certificate from Mr. Mitchell, the Architect of the Commissioners of Education in whom the property is vested, as regards the present condition of the premises, and the extensive repairs that they still require. The upshot is that the total expenditure has amounted to over £600; and, deducting £50 a year for the rent which Canon Gregg was undoubtedly liable to pay to the Commissioners of Education, a balance remains of £575 15s. 5d., spent by him out of his own funds. This £575 15s. 5d. includes, however, a considerable amount of ephemeral repairs and other outlay—it includes, in fact, all the

expenditure upon the premises, but there has been deducted from it the full amount of the rent. On the further question, whether he is entitled to any credit for expenditure between November 5, 1874, when he first took possession, and December 18, 1879, when he signed his present contract of tenancy, we have been furnished by the Commissioners of Education with some very valuable information, which I must give in detail. The main foundation of Canon Gregg's demand for a right of pre-emption is—that he is equitably, at least, a "salvage creditor" on the property; and he puts his salvage services in two ways. First, he claims to have rescued the property for the Commissioners from adverse occupation; and secondly, to have preserved it from ruin by structural repairs. He states that "it was very generally believed that the Commissioners of Education had not sufficient title to disturb any person in possession." He states that he believed that "if he chose to dispute their title, his possession could not have been disturbed;" and he states, as his first reason for claiming pre-emption, that, had he not "saved the property by purchasing it from the widow of the late Dr. Hall and gave into possession, it would have passed into other hands and, consequent on the defective title of the Commissioners, it would have been lost." The second ground of his salvage claim—the structural one—that his expenditure on repairs prevented the place from going to ruin—is quite distinct; and I say no more about it now. But on his first ground, there is a small personal matter which he will pardon me for remarking as I pass. He says—"Thinking that it was right, and influenced by a message which I received through Mr. (now Sir James) Spaight from an influential member of the Commission" (not this Commission, but Lord Rosse's Commission of 1879) "Lord Justice Fitzgibbon, 'not to dispute the title of the Commissioners of Education,'" he signed the agreement under which he now holds. I have no recollection, after eleven years, of having had any communication with Sir James Spaight on the subject, but I do remember that, when Lord Rosse's Commission was here, Sir James Spaight was kind enough to take the three of us who were here—the late Vice-Provost, Sir A. S. Hart, Lord Randolph Churchill, and myself—in his carriage round all the institutions in Limerick with which we were concerned, and I think it very likely that Sir James Spaight may have asked me something about Canon Gregg's position; if he did so, I have no doubt I gave him, not a message, but a travelling opinion, to the effect that the sooner Canon Gregg made terms with the Commissioners the better for himself; for, when I read the papers, it will be seen that he then had absolutely no ground whatever for disputing their title, and had he done so he must have been turned out at once, and lost all his expenditure as well as his possession. At all events, he has had the place for eleven years by taking the advice he says he got on that occasion.

We have now been furnished by the Commissioners of Education with the cause from time to time submitted to counsel about this Limerick Diocesan School, and also with Canon Gregg's original letters, some of which he seems to have forgotten when he suggests that he might have disputed the Commissioners' title. The correspondence passed between Canon Gregg, the present Protestant Bishop of Limerick, Dr. Graves, who was one of the Commissioners, and with, at first, Mr. Kyle the Secretary, and afterwards with Mr. Arnold Graves, who before the visit of Lord Rosse's Commission had become Mr. Kyle's successor, and was then Secretary. The notes and opinions throw a great deal of light upon much that has been hitherto rather obscure. The first case was submitted in 1884 to Mr. Francis Blackburne, then Attorney-General, on the part of the Commissioners of Charitable Donations and Bequests, to see whether it was possible to compel the Grand Jury of the county of Limerick to build a School upon the site at Roxborough Road which

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was then vacant. It appears from that case that the land had been purchased by the Commissioners of Education for £400, made up of about £200 received from the sale of an old Diocesan School building in the city of Limerick, about £150 presented by the Grand Jury of the city of Limerick, and a balance of about £50 which the Commissioners advanced from other funds. That purchase was made about 1828, but the Grand Jury of the county of Limerick, long previously, had made a series of presentations, amounting, between 1816 and 1823, to £1,400, to their own Treasurer, Mr. Peole Gelbette, for the purposes of a Diocesan School. The County Grand Jury had kept this money in the hands of their own Treasurer, but the City Grand Jury had paid their £150 to the Commissioners, who had spent it in buying the site. The County Grand Jury refused to part with the money or to spend it in building the school until their demands were acceded to. They first required that the school should be a "free school," by which they meant a school in which the pupils should pay no fees; in that they were wrong; they fell into a very common mistake; a "free school" means a public school, freely open to all persons, not a school where no fees are paid. But their second demand was that a certain number of free scholars should be admitted to the school, of whom 12 should be nominated by the County Grand Jury, and 12 by the City Grand Jury, in return for the public money presented by them. That point was conceded by the Commissioners, when the Attorney General gave his clear opinion that they could not force the Grand Jury to spend any money on the school, unless they satisfied them as to terms. A third requisition of the Grand Jury was, that there should be no dormitory in the building; they wanted to prevent the Schoolmaster from taking in boarders, as they thought his doing so might interfere with his attending properly to the day boys of the locality. That point seems to have been conceded by the Grand Jury, who probably thought the 24 free boys sufficient, and ultimately, after the opinion I have mentioned, the £1,400 was spent on the present building, and the school was opened. There is an unquestionable fact, which Mr. Gregg now seems to ignore. This property is held under an existing deed of conveyance, dated in April, 1828, to the Commissioners of Education, confirmed by the Corporation of Limerick, who released a head rent issuing out of the premises. The Commissioners have the original title deed, and their title under it is unquestionable, they can prove it as a matter of notice, their Act of Parliament, which regulates the Diocesan Schools, makes the property inalienable by them, and requires them to hold it upon trust for the purposes of the Diocesan School, and no other use, trust, or purpose whatever. The occupation of the Diocesan Schoolmaster is their occupation, and no Schoolmaster could acquire any title whatever against them beyond his own time of office. I want to make this clear, because Canon Gregg probably misunderstood it. But although the Commissioners have an unquestionable title themselves and can turn any one else out, they have no power to give title to anybody else. In that state of affairs Mr. Hall was the last Diocesan Schoolmaster, and after the passing of the Irish Church Act, 1869, he commuted and compounded, and thereby put an end to the annuity which he was entitled to get from the clergy of the diocese, and which was the only money endowment attached to the Diocesan School. When he compounded the school was discontinued, and the Commissioners thought they could get up possession of the premises from him. They then, in 1873, submitted a case to Mr. Law, afterwards Lord Chancellor, asking whether they could put Mr. Hall out. Mr. Law gave them an opinion that they could not, because Mr. Hall, not having commuted or compounded its value, was entitled to retain the house so long as he was willing to hold it as diocesan schoolmaster. Mr. Law gave the opinion that Mr. Hall was entitled to retain possession of the house as part of

the emoluments of his office, but, that if he refused to discharge the duties of his office, the Commissioners could apply to the Lord Lieutenant to have him removed. At that stage Canon Gregg appeared on the scene, and on April 23, 1874, he applied to the Commissioners to let him take the premises from them. Canon Gregg's evidence will be found in the report of Lord Rose's Commission, Vol. II., page 519 (Q. 11474).

"Mr. Hall looked about to see what he could get for his interest. He applied to the Commissioners, but there was some difficulty there. He then offered the buildings to me as Rector of the parish, in which there is no other school-house. I waited on Dr. Kyle, the Secretary of the Commissioners, on April 23, 1874, and I afterwards sent him in an application to become tenant or to purchase the place."

The Commissioners have now furnished us with their minute of October 13, 1874, by which it appears that they wrote to Canon Gregg asking him to put in writing a formal proposition stating the amount of rent or purchase-money that he would give, and on October 22, 1874, Canon Gregg wrote to the Commissioners a vital letter, offering them £30 a year rent if he got a house, or £600 to purchase their interest. At that time he was not in possession, whether Mr. Hall was actually dead or not on that day does not appear, but he certainly died about that time. But on November 4, 1874, the day before he went into possession, while his written proposal was before the Commissioners, Canon Gregg sent the Rev. Mr. Hackett, a friend of his in Dublin, to the office of the Commissioners and he got a letter from him stating what he had ascertained from "a reliable source," which means the Secretary to the Commissioners, and saying—

"I think if you get into possession of the premises, giving Mrs. Hall something to satisfy her, so as to put you in possession, and in that condition you had to deal with the Commissioners, all would be right, and I fancy the parties would not object or censure you, but quite the contrary."

On November 15, 1874, acting on the hint in that letter, Canon Gregg paid Mrs. Hall £20, and got a deed from her purporting to assign to him all her estate and interest in the premises. Estate or interest she had none, the Commissioners were entitled to the possession, there was no question as to their title, but, as I have mentioned, there was every question as to what they could do with the premises, and of course an intruder might put them to trouble or expense. On December 1, 1874, Canon Gregg wrote to the Commissioners to tell them what he had done; this letter we have now got; it was written immediately after he got possession, and is addressed to the Secretary of the Commissioners:—

"1st December, 1874.

"My dear Sir,—I had an interview with the Bishop of Limerick and explained to him the circumstances under which I came into possession of the Diocesan School premises. He expressed himself favourable to my being the occupant. As the circumstances are now well known in Limerick I think that I ought perhaps to state them. As the time for Mrs. Hall's leaving approached several persons expressed a wish to get possession by means of money paid to Mrs. Hall. One person—a stranger, and apparently a poor man—tendered her money through her servant. Efforts were also made through two anticlericals here to get possession. As I had some time before sent in applications for the house to be used for school purposes in the parish, of which I am rector, I saw the only way of keeping the house from being lost was to get possession from Mrs. Hall. I succeeded in obtaining possession, but I am anxious to be confirmed in my possession by the Board."

When they got that letter the Commissioners again consulted Mr. Law, and the case is here. He said—

"Having regard to the 27th sec. of the Act 25 Geo. III., c. 107, I think the Commissioners cannot sell the premises acquired by them in 1830 for the purposes of the Diocesan School referred to."

The case contains this statement.

"The school-house is now much out of repair, and the Commission must have no funds whatever wherewith to repair it. There are applicants desirous to purchase or rent it,

one of them is the recter of the parish in which it stands, and whose object is to make it a school-house."

Having got that opinion the Commissioners discussed it on January 29, 1875, and resolved that Mr. Gregg might remain in as caretaker for two years without any rent, he undertaking to give up possession when called upon, and to put the house in repair. At the end of two years he was to be accepted as tenant at a fair rent. There is a minute on February 1, 1875, to the Commissioners back, that they wrote to Canon Gregg sending him that resolution, but the letter actually sent appears to be that which Canon Gregg produced on the former occasion, and it does not send a copy of the resolution, but it substantially gives the effect of it. Mr. Gregg was asked by Lord Rose's Commission—

"*11566. Were you made aware of the existence on the back of the Commission in Clarendon-street of any resolution deciding you tenant on the terms of Dr. Kyle's letter?" And his answer was:—

"No, I never got any communication from them from that time until last month."

We have now got his letter of February 11, 1875, in answer to the letter of February 1, 1875, which conveyed to him the substance of the Commissioners' resolution. He wrote—

"Since I received it I have given the proposals contained in it my best consideration. I have also had an interview with the Bishop on the subject. As the terms of the Commissioners' proposal to me are so very peculiar, I feel it necessary to write for some further information."

He made the natural objection that he was asked, while acting as a caretaker, to spend money on the premises, and that he got no security that at the end of the two years he would get his money back, or be confined in his possession. In that letter he states that his whole expenditure down to that time, including school furniture, was £75, but that the place would require a very considerable amount of additional expenditure. And then he says at the end—

"I therefore ask the Board to put an end to the uncertainty by accepting me as a tenant at once. I do not want anything from the Commissioners in return for my expenditure unless what may be allowed me in return rent."

The Commissioners never took any further step in the matter. It appears from subsequent letters of Canon Gregg, written when the thing was fresher in his mind than it was in 1873, that he, or someone for him, saw Mr. Kyle, and made him aware that he was spending money upon the place, and the correspondence shows that the member of the Board to whom I have referred—the Bishop of Limerick—was also aware of it. In 1879 the secretary of Lord Rose's Commission wrote to Mr. Gregg asking for information about the premises. On March 5, 1879, Mr. Gregg replied, setting out the whole affair; how he got possession of the premises; had spent his money on them, and was using them as a school. So the matter stood until Lord Rose's Commission fixed a public sitting to take place here on October 1, 1879. The announcement of that sitting galvanised the Commissioners of Education into activity, for, on August 29, 1879, their secretary, Mr. Graves, wrote to Canon Gregg a letter, set out in the Report, page 281, telling him—

"You will remember that when in the year 1875 you were put into possession as caretaker it was agreed that no acknowledgment was to be entered into by you that you should give a distinct undertaking that you would at any time give it up at the end of two years."

Mr. Gregg did not answer that letter at the moment. In one of his subsequent letters he says he went to see the Bishop about it, but he ultimately wrote both to the secretary and also to the Bishop on September 23 and 24, 1879. Those letters we now have. They set out the circumstances of the case as they occurred. The Commission set on October 1, 1879. Canon Gregg was fully examined. We saw the place, and, as Lord Randolph Churchill stated, we were impressed with

the charitable work that was being done. There were seventy or eighty poor children receiving food and education; the place was nicely kept, and was a working institution; but the material question now is—What was the title to it? Two days after our sitting Canon Gregg wrote an official letter, which is here, dated October 3, 1879, to the Commissioners, setting out all that he had said, all that I had said, which I presume is what he now calls my "message," which he described as "extremely complimentary" to himself. He contrasted the place as it would have been, deserted and in ruins, with the school as it was; and he concluded his letter with these words, which, I think, if he had remembered, would have modified the form in which he now puts his objection—

"I never disputed the title of the Commissioners to the place in any of my letters."

In order to ascertain whether they could leave Mr. Gregg in possession another case was then submitted to Mr. Bewley, Q.C., which contains a passage that, in fair dealing to Canon Gregg, I must read—

"The Commissioners are of opinion that a minute will be enough without any formal lease, the Secretary to fix with Mr. Gregg the terms and the rent, and the minute is directed to show that the Commissioners do not consent to title."

Now that may have misled Canon Gregg. They could not consent for title, because they could give no title; but that was no indication at all of any doubt or question as to their own title.

"They did not wish to disturb Mr. Gregg in his possession, but they wish to prevent Mr. Gregg acquiring the freehold, and they do not see in what other way this can be done except by giving him a lease."

Upon that case, submitted on the part of a public body, Mr. Bewley's opinion was that the Commissioners had no power to let the schoolhouse for any term, and, if Mr. Gregg was to be treated as a tenant, Mr. Bewley advised that—

"He should send to the Commissioners a proposal in writing, proposing to take the schoolhouse from year to year at a certain fixed rent, with a stipulation that the acceptance of the proposal by the Commissioners is not to imply any agreement or covenant for good title or quiet enjoyment. This proposal may then be accepted by a resolution of the Commissioners. A minute of the Commissioners without any proposal in writing from Mr. Gregg will be open to the objection that it would not operate as any acknowledgement by Mr. Gregg of the Commissioners' title to the schoolhouse. Forwarding the report of the present Royal Commission I think it would be wise for the Commissioners to propose to create any tenancy of the schoolhouse greater than a tenancy from year to year. I presume that if the report of the Royal Commission is not followed by some legislation on the subject, it will be necessary for the Commissioners to take proceedings in the Chancery Division to have some Scheme framed in reference to the schoolhouse in question, and other schoolhouses similarly disarranged, and to seek powers either to sell or let such schoolhouses, and to apply the purchase-money or rents for educational purposes."

That is what we are trying to do now. Thereupon Canon Gregg, on December 18, 1879, signed the existing agreement, formally becoming tenant of the premises from January 1, 1880, at the yearly rent of £20, undertaking not to sublet or assign, to keep the premises in repair, to pay all rates and charges, and concluding—

"I am not to receive or export, nor are you to be bound to give any consent for or warrant of good title or quiet enjoyment, nor are such covenants to be implied thereby."

The matter did not stop there, the Commissioners reported to Parliament in the following year that—

"Mr. Gregg was now tenant of the Diocesan Schoolhouse, and was conducting in it a flourishing girls' school for the poor, the numbers on the roll, 226, of whom 20 were boarders, and all the rest day scholars."

That report was signed by the late Lord Fitzgerald, a Roman Catholic, by the Archbishops of Armagh and Dublin, by the Chief Justice, by the Provost of Trinity College, by the Rev. J. H. Jelliffe, and the Rev. W. B. Kirkpatrick. In every succeeding report

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of the Commissioners from that day to this, every pupil in Mr. Gregg's school has been annually reported to Parliament as being a pupil in a school "under the control of the Commissioners of Education."

Under these circumstances it does occur to me that the case has two sides to it. On one hand both parties knew they were dealing with charitable property without untransferrable title; both parties had full notice of all the infirmities that attached to the possession of the premises, but, on the other hand, I for one cannot shut my eyes to the fact that Canon Gregg was a private individual spending his own private money upon the faith of his dealing with a public body responsible to Parliament, and it does seem to me but just that any money which he spent as a private individual under such circumstances should be regarded as having been laid out upon the expectation that he should not be disturbed until his outlay was recouped, and accordingly I think he has now a fair claim to be recouped before the premises are taken from him. The cases and correspondence demonstrate that the main motive of the Commissioners' action was that they could not spend a furthering in keeping the place in repair, and that they knew it must have gone to ruin if they did not get Canon Gregg to keep it in repair, or to pay a rent which they could spend on it. Therefore, subject to anything I may hear, I cannot make a distinction between what was spent before the agreement was signed and what was spent afterwards. I think Canon Gregg, at every step in this matter, acted with the concurrence of the public body in whom this property was vested, and that body acted with the intention of preserving the property through his expenditures, and of allowing him to keep the place to repay himself. It appears to me—but I am speaking only for myself—that the documents now produced against Mr. Gregg of the main charge made against him by Bishop O'Dwyer, that he acted in "an underhand if not fraudulent manner," but on the other hand they utterly displace Canon Gregg's questionings of the Commissioners' title. His expenditure was made with the concurrence of the Commissioners, but with full knowledge of their title. Under his agreement, technically, he has no salvage claim, nor can he dispute his landlord's title; he was dealing throughout with property of which he knew all the circumstances, but a sort of rough equity would now treat him as occupying a valuable building which, but for his action, would now be but a heap of ruins. If he is now recouped his outlay I do not think he can insist on keeping the public property in excess of that outlay, and on the other hand I don't think he ought to be turned out until he is repaid what he spent, nor do I think his expenditure should be closely scanned, for he was undoubtedly led to expect that he would not be disturbed. Accordingly, as at present advised, I think he would be wise to accept the scheme which provides that unless he is repaid he may keep the premises, but if he is repaid, his having enjoyed the possession for fifteen years under a title which he knew to be bad, gives him no claim to pre-emption, beyond the amount of his expenditure.

The next case is Mungret. I mentioned on the last occasion, and I think still, that a great many of the considerations in Canon Gregg's case apply to Mungret also, though in a somewhat different way. In Mungret there was a public body of trustees appointed by Act of Parliament, and empowered by a Scheme sanctioned by the Lord Lieutenant to sell or let the premises. They did let the premises to three leasees, and have allowed those leasees to spend a sum of money, far beyond the present value of the premises, upon the faith of the lease. But the position of the leasees differs from that of Canon Gregg in this important particular—that the lease imposed on the property express trusts which have not been observed, and of which the leasees are now anxious to get rid. They

are bound to maintain a school under the Intermediate Education Act, open to pupils of all denominations without distinction, to keep two acres at least in tillage, and to give practical instruction in agriculture; and the lease contains a provision that in case it should appear to the trustees that the school was not being carried on in accordance with the regulations contained in the Scheme, or if the School should, in their opinion, fail as a useful Intermediate School, they might on any given day determine the demise without any compensation whatever to the leasees. Sir Stephen de Vere in his evidence described these trusts as "absurd." There is no agricultural teaching, there is no undenominational Intermediate School, and the Jesuits, who are the real leasees, are liable to have the lease questioned or the trusts enforced by any of the trustees, or possibly by any member of the public who could show that he was interested, and was able to induce the Attorney-General to proceed by way of information. But it appears that the Jesuits have spent some £12,000, and £15,000 more has been spent by Lord Enly, on buildings that are useless for any purpose except those of the Institution which the Jesuits have established in the place. Now it has been said that we have dealt upon a more hostile principle with Canon Gregg than with the Jesuits. We certainly have not. Canon Gregg's expenditure is at the outside about £500, and it is at least possible that the premises are now worth more. His equity as a salvage creditor can not exceed his outlay, for which the Scheme proposes to give him full credit. But it has never dawned upon anybody that Mungret, if put up for sale, could bring anything like £12,000; and if we dealt in the same way with the Jesuits as with Canon Gregg, and put Mungret up for auction, unless somebody bid more than £12,000, the Jesuits would get Mungret for nothing, as Canon Gregg would get Roxborough Road for his expenditure. From that point of view Canon Gregg's treatment seems more favourable than that of the Jesuits. But the Jesuits have no right to get Mungret for their outlay, because the public interest which they have is still bound by the trusts declared by their lease, and if they want to get rid of those trusts they are bound to pay over to the trustees, for the use of the public, whatever is the fair value of the public interest. If those trusts could be usefully enforced, we ought to enforce them, but we are satisfied that Mungret never can be made an undenominational or agricultural school or college, and if we leave the Jesuits in possession of the building they have erected with their own money, and make them buy out the public interest, then we can utilize the price for the Intermediate or technical education of the Limerick boys of all religious denominations who are the objects of the existing but now unoperative trusts. These trusts attach only to the public interest in Mungret, and the question is, what is its value? On that point we took the best advice we could, and consulted the Valuation Office, and we fixed £125 a year or £2,500. Both sides object—the Jesuits on the one side say we are charging too much, and the Protestants on the other side say we are charging too little, and want us to charge all the original outlay. These opposite objections indicate that we are at least approaching a fair price. The public valuator said that the land was worth £75 a year, or £1,500—twenty years' purchase. We thought that was borne out by other evidence. The land was bought for £1,000 at the worst point of the bad times; it has been taken since at rents of £80, £75, and £70, but it has never been held for less than £70, and £70 was the rent put on the land, exclusive of buildings, by a gentleman selected as a competent person by the trustees when letting to the Jesuits. But the valuator put on the buildings, irrespective of the Jesuits' expenditure, £125 a year, or a capital sum of £2,500—twenty-eight years' purchase. These figures can not both be right. Whatever number of years' purchase the selling value of land may be, the selling value of buildings, in years' purchase,

is certainly less, and, roughly speaking, we thought eighteen years' purchase of £70 a year for the land, and ten years' purchase of £125 a year for the buildings, would be something about fair; and, in round numbers, we arrived at £2,500 in that way. We have got a number of references in the objections on one side to the large amount spent, and on the other a very dismal account of the present selling value of Mount Shannon. We, ourselves, in one of our early schemes, established "The Church of Ireland Training College" without any charge, in buildings that cost £2,000 of public money some sixty years ago, thinking the outlay had been fairly abandoned or worn out, as it were, in the course of time. But, on the other hand, the Jesuits want Mount, and so one seems to want Mount Shannon. With regard to Mount, about the only question in dispute seems to be the price of whatever now represents the public interest in the place. That interest, we held, is still bound by the trusts under which the Jesuits took it, namely, for the intermediate and agricultural education of the boys of Limerick city and county of all denominations, and we propose to throw it into a fund for the purpose of giving not only agricultural but general technical education.

The last and most troublesome case is Leamy's Endowment. Again, I have to explain the principles on which we have proposed to deal with that. But I have also to tell you that we have now got a great deal more authentic information about Leamy's case than we had hitherto. It appears that Leamy having died in 1818, proceedings were taken in the English Court of Chancery (of which we became aware only very recently), in 1831; further proceedings in Chancery were commenced in Ireland in 1839, and for nearly forty years the endowment was in Chancery, and nothing was done to carry out the charitable intentions of the founder. The terms of Leamy's gift are very important. He gave his property upon trust "for the education of the poor in Ireland, principally those in and about Limerick city, or as his executors in their better judgment should deem meet to give his bequest the most extensive efficacy." His executors were Mr. Maurice Fitzgerald and a Mr. Taylor. Mr. Fitzgerald was living in Ireland—Mr. Taylor was a London merchant. He got possession of all Leamy's property, and from the Chancery information in England it appears that he died in 1830, having previously transferred the property from Cusack's Bank to his own private account. Accounts were taken, from which it appeared that he owed the estate £15,945 4s. The English Chancery proceedings do not appear to be quicker than in Ireland, for from 1831 to 1839 they got no further than taking the accounts and settling a scheme which was not put in action. In 1839 there was a new suit in Ireland to see whether the English scheme should be carried out. The Irish Court of Chancery came to the conclusion that the English scheme should in the main be accepted, but that some alterations should be made. It turned out also that Taylor's estate was insolvent, and that only 14s. in the pound was recoverable. The net result was that about £10,000 was transferred to Ireland for the purpose of the charity. All the rest, and the interest for forty years, was lost or spent in law. It was referred to the Irish Master in Chancery, Mr. Townsend, to consider the scheme, and there is a passage in his report which is most material for our present purpose. The English scheme had provided that all the children in Leamy's School should be instructed daily in the reading of the Scriptures without note or comment—a pet device of those days, now abandoned. Now, here is the Irish Master's report on that plan, and I ask those who make little of our present difficulties to bear in mind that what I am going to read is forty-eight years old—

"On reading the scheme approved of by the Court of Chancery in England I was struck by the 11th article thereof, whereby it is provided that part of the daily instruction in the said school shall consist of reading the

Holy Scriptures without note or comment. This, as a rule, exists in many public schools in Ireland, but is objected to by the Roman Catholic clergy, and that so steadily, that as well from experience on a former reference before me, as from general observation, and notoriety in this country, I am of opinion that if adopted to this extent it is likely to have the effect of excluding almost all the children of the Roman Catholics from the school. A master not to be thought lightly of in a school for the education of the poor in Ireland, in which so great a proportion of the persons to be educated are of that religion. Under these circumstances, and considering the undebatable nature of all principles connected with religion, I can scarcely hope to suggest any rule to which no objection shall be made at either side; but I consider myself bound to make the best use of my power to the reference of the court. I, therefore, have prepared the 11th rule accordingly, but I submit the same with real diffidence, as a matter of difficulty, to the consideration of your lordship."

I wish you would all make allowance for our having still to deal with the same difficulty which Master Townsend felt, and I assure you we have no object except to find some fair solution of it. Let me read his 11th rule, and I think anyone who expected that it would work must have been very sanguine:—

"In the said School, the English language, reading, writing, and arithmetic shall be taught, and, if the funds of the said charity shall be sufficient, the Governors shall have power, from time to time, to make such provision and arrangements for a further and more extensive scheme of education as may be practicable. 11th.—That part of the daily instructions in the said School shall consist in reading the Holy Scriptures without note or comment, and for that purpose the scholars in each School shall at an hour in each day to be fixed by the Governors, and changed from time to time, as they shall think necessary, be placed in two separate rooms, to wit, the Protestants in one room, and the Roman Catholics in one other room, and within those the Protestants shall read the Holy Scriptures without any restrictions, and the Roman Catholics shall read such portion or portions of the Holy Scriptures, as are contained in four small volumes, sealed by authority under the title of *Scriptura Lectiones*, and now read in the National Schools."

That is to say, while the Protestants were to read the whole Bible without any help or instruction towards understanding it, the Roman Catholics were not even to have a choice of the part of the Holy Scriptures which they were to read, or of the version which was to be read. The natural effect followed—the religious instruction by the Protestants, as Dean Bunbury told us, was never worthy of the name, while the great majesty of the Roman Catholics never attended the school. I believe 25 was almost the largest number that attended during any long period, and at the outside they never equalled the Protestants in number. The school founded under that scheme failed altogether, and was closed for several years, a fact which I don't see noticed in the objections; the building remained derelict until 1874, when it was re-opened under a modified scheme. Since 1874 the number of Roman Catholics attending has at no time corresponded to the number that ought to have been there, if the benefits of the Endowment were fairly going to them in proportion to their numbers among the poor, who were and are the objects, not only of the testator's bounty, but of the charity contemplated in the settlement of the scheme. Remember the existing governors are a mixed body, and the Master in Chancery reported that it was not to be lightly thought of that the frame of the scheme should exclude Roman Catholics, yet they have been practically withdrawn altogether. In that state of affairs, we are bound by our Act of Parliament, to which I ask the attention of some of those who are pressing us with objections. It says, sec. 13—

"In framing schemes it shall be the duty of the Commissioners, with respect alike to the constitution of the governing body, and to the educational provisions, to have regard to the spirit of the founder's intentions."

The spirit of this founder's intention was to educate the poor of Ireland.

"And where the founder of any educational endowment

Oct. 17, 1893. has expressly provided for the education of children belonging to the poorer classes, either generally.* That is "the poor of Ireland."

"Or of a particular class, or within a particular area," That is "especially of the city and county of Limerick," "Such endowment shall continue, so far as requisite, to be applied for the benefit of such children."

We are bound by the letter of that law, and, so far as it is required, we are bound to apply this Leamy Endowment for the benefit of the poor of Ireland in general, and the poor of Limerick in particular.

Another issue is raised which I can save time by dealing with now. Bishop O'Dwyer says:—

"Some point is made out of the statement that Leamy was a Protestant; should the Commissioners think it of any consequence, having regard to the terms of his will, which makes no reference to any denomination, I shall be able to submit evidence that he was a Catholic, there being still living in this city Catholic members of his family."

Speaking for myself, I assumed that Leamy was a Protestant, for we had some evidence that he was a Protestant, more or less Leamy, and none to the contrary; and I may say that in settling the scheme I, for one, thought that circumstance was not altogether to be left out of account, though it could not confine the endowment altogether to Protestants. But it appears now that this very question was raised in Chancery 48 years ago, upon an application by a Mr. Potter, who represented the Roman Catholics, to increase the number of Roman Catholic Governors. Master Townsend reports:—

"The scheme suggested by Mr. Potter proposed a more general change of Governors than appeared to me to be advisable and led me to inquire as to the religion of Mr. Leamy, the testator, and his two executors, to whose better judgment he refers as to the application of the fund, and I find from the affidavit of Francis A. Fitzgerald—" ex Barons Fitzgerald—"filed in this matter on May 11, 1845, that Mr. Leamy and his executors were all Protestants, considering which, and all the other circumstances of the case, and particularly the scheme approved of by the British Clergy, and, as I must suppose, by the said executors, I have resolved not to alter the list of Governors."

We have got the affidavit, it is not of course an affidavit upon personal knowledge as to Leamy, for he died in 1815, and Baron Fitzgerald was only born in 1807, but he deposed that he believed Leamy was, at the time of the making of his will and also at the time of his death, a Protestant, was attended by the Rev. Alexander Ogilby, English Chaplain at Lisbon, and was buried in the Protestant burial ground there. The executors were both Protestants, one was his own father, the other, Mr. Taylor, was a Member of Parliament, whom Protestants were only admissible. The statement that the scheme was approved of by the executors was not accurate, because Mr. Taylor died many years before it was framed. Mr. Maurice Fitzgerald died before the Irish suit was commenced, and neither he nor his executors, Baron Fitzgerald and Mr. Burton, who were defendants in that suit, appear to have ever taken any personal part in the management of the charity. My own view and feeling is that we are bound, in every case such as this, to take into account the religion of the testator, but within limits. It is inconceivable that when a man gives his money to the poor at large, he intends to exclude those of his own religion, he intends that they shall have at least their fair share, and in distributing private endowments a long series of authorities, English and Irish, show that charity should begin at home; whether a man be a Protestant or a Catholic, he should be supposed to think of his own people at least as much as of others, but, at the same time, if he gives his money for the benefit of all, it cannot be appropriated by whatever one denomination he belonged to. We come to the conclusion, rightly or wrongly, that this endowment never could be utilised so as to give equal benefit to all those entitled to it, so long as it was expended in a single school. The

smaller denominations have put forward views, which we may respect, in favour of mixed education, and have pointed out that the smaller denominations suffer by breaking up funds of this kind. That may be so; but we have found all Protestant denominations often work harmoniously in teaching the poor, while we have not found any case in which Protestants and Catholics have succeeded in managing an endowment of this kind together, and we have got proof in Leamy's School that they cannot do so here. In the last 48 years attempts have been made to force both parties to use the same school. The result has never been more than a partial success, of which only one party got the benefit, and for a long time the result was a failure. We therefore thought it better to divide the endowment into as many shares as were necessary to enable each party to get equal benefit. An old controversy at Sweden was settled by the two Archbishops agreeing that, where a minority and a majority were both entitled to benefit, the minority should get enough to enable them to maintain an efficient school for themselves, and the majority should get the rest. An efficient school for a small number cannot be maintained for the same proportionate sum as for a large number, and therefore I think the Protestant body are entitled to a sufficient sum to enable them to keep up an efficient school for their poor. But my learned colleague, I believe, agreed with me in thinking that, as the Protestants were in possession, and were using the buildings for a school which they valued, though it was not entirely or even mainly a school for the poor, we ought to consider their feelings, even beyond mere money, before evicting them from the advantage of using Leamy's School. We therefore proposed that they might remain, if they preferred the buildings to getting a compensating sum; but we thought we ought to put a high price on the buildings, because the Roman Catholics certainly could use them more fully for the poor than the Protestants can.

The school premises are subject to £40 a year, and, subject to that rent, we put a price of £2,000 upon them. If the Protestants choose to keep the buildings, they get £2,000 under the Scheme towards keeping up the school. If they choose to leave the buildings to the Roman Catholics, they get £4,000, of which £1,000 will be available for building or purchasing a school elsewhere. Our experience leads us to believe that for £1,000 the Protestants ought to be able, in connection with the Villiers' School or independently, to establish and equip a school sufficient not only for their poor scholars, but for the education, with the poor scholars, of middle-class pupils also. We don't want this endowment to be used now for primary education only. The State, since Leamy's time, has undertaken to look after that. But this money should be available for giving better education, and though the poor are the primary objects of the charity, the fund may fairly help those of a slightly better class, and especially such as we have had several examples of, clever boys and girls, not destitute, yet unable without help to advance to a higher position of life by getting a good education. Upon all these points, we have now to hear both sides, and we are anxious to hear whether anything better can be proposed by anyone.

I sincerely wish that I could stop here, but I cannot. Two of my colleagues have published observations on these schemes.

"On July 20th, 1890, Dr. Molloy issued his 'Observations on the Draft Scheme for the Leamy Endowment.' He does not agree that we ought to give one-third of the endowment to the Protestants, nor that we ought to give them the option of taking the school buildings. The ground on which, in the draft scheme, we inserted this option was, that the origin of the endowment was from a private Protestant, and the Protestants were really in possession, and though we were all agreed that the option of taking the school

* See Appendix II., No. II (b), p. 201.

buildings was not economical, we did think we ought to consider something more than money before finally existing the present occupiers. The Diocesan Council have charged us with "great exaggeration" as regards the capacity of this building. If we are fully, we can only say that the governors own view stated the accommodation to be for 500 pupils. Archbishop Jacob, in 1879, stated that the buildings were capable of accommodating 500 pupils. At our last sitting here Dean Banbury estimated their capacity at 350 and 400 was an estimate which Dr. McIlroy, arrived at by taking 25 per cent off Dean Banbury's estimate.

Dean Banbury.—I beg your pardon, did I say that?
 663. Lord Justice Fitzgerald.—Yes; the question put to you was, "Then we may take it that there is accommodation for 400 pupils at the least?" and you answered, "At the least." If this be an exaggeration, it is not much, and it is not too late to correct it.

"During our vacation Dr. Truill circulated a * "Protest" against these three schemes, containing charges which, if well founded, would prove this Commission unworthy of confidence. It is therefore necessary for us now, in this the only place in which I will answer any charges brought against me for my official conduct, authoritatively and officially to deal with that "Protest." Dr. Truill states that the only principle in which our proposals agree is what he considers to be "fair treatment of the Church of Ireland." He uses quotation marks, but the quotation is his own. He repeats the same charge under the shelter of an "X," and intimates that "this Commission will be turned into a tribunal for deciding on the merits of religious quarrels, instead of being an impartial tribunal for the administration of equal justice to British citizens." A third time he puts the same charge in a more hurtful way:—"If a narrow interpretation of the words of a founder's will can be made to hit the Church of Ireland, it seems to be quite allowable to interpret them thus, but if the serious meaning of such words in some other case would benefit the Church of Ireland, it is not to be entertained for a moment." If the responsibilities which my brethren have thrown upon me in the Church to which I belong are any indications of their confidence, it does not seem likely, if I am believed to have any bias in my mind, that it is a bias against my own Church. My colleagues can answer for themselves, but the foundation for this charge is to be found in the paper, and it is my duty to point out on what it rests.

Dr. Truill says that "the Diocesan School buildings have always been in the occupation of members of that Church, the former income having been supplied by a tax on the clergy of the diocese." The income that he mentions came to an end in 1872, and the only remaining property of the Diocesan School with which we have to deal was supplied, not by the tax on the clergy at all, but from presentations of the grand juries of the county and city. It is not in the hands of any exclusive body, but is now legally vested in the Commissioners of Education, a body partly Protestant and partly Catholic, who are trustees for the public. Dr. Truill next says that Canon Gregg voluntarily placed himself under the Commissioners of Education. He did so "voluntarily" in the same sense in which a tenant voluntarily signs a caretaker's agreement when the sheriff is at the door. I have read his own letter in which he admitted the Commissioners title, and appealed to them not to turn him out, but to permit him to hold on as their tenant. Dr. Truill next says that this Commission published a Scheme recognizing Dr. Gregg's right of occupancy in the first instance, but has now published another Scheme depriving him of that right. It is the case that the Commission did publish a draft Consent Scheme for the management of the Roxborough Road School, the private school of Canon Gregg, in which we treated the public interest in the premises as represented by the 250 a year rent payable by Canon Gregg. To that draft Scheme Bishop O'Dwyer and Canon Gregg both

objected. I am still willing to complete a Scheme upon that principle, but I believe my colleagues are not, at all events at present, and I have pointed out that one Judicial Commissioner alone is powerless, and, therefore, the alternative is either to have no Scheme or to see whether the public endowment can be separately dealt with by the new Scheme upon fair terms. I don't shrink in any way from any responsibility, but if I find that there is no other way in which this case can be submitted to the superior tribunals, the Privy Council, and Parliament, than by my signing a Scheme which, though not exactly what I myself would prefer, is the only Scheme in which my colleagues will concur, I will not obstruct those who want to take a higher opinion upon our action, nor leave Canon Gregg without any Scheme at all, by obstinately insisting on signing the original draft Scheme or none. There never was a tribunal under such checks as we are. No Scheme we sign has any force until it has first been sanctioned by the Privy Council, nor then unless it succeeds in winning the assent of each House of Parliament separately, for by a resolution of either House it can be sent back to us, in spite of the Lord Lieutenant and Privy Council. Dr. Truill next charges us with "giving the power of evicting Canon Gregg to any person who may outbid him for the premises at an auction." Under the Scheme, at that auction, Canon Gregg is to have, not provisionally but absolutely, credit for every penny he has spent on the premises, even in ephemeral repairs, since he first got into possession; and unless he is repaid all this outlay, no one else can outbid him, and he obtains the place in fee for ever for nothing. But Dr. Truill says, "On the other hand, the Diocesan School of Waterford, always formerly occupied by clergymen of the Church of Ireland, has been sold to the French Christian Brothers, whom the Commission found in occupation under a promise of a lease from the Corporation of Waterford." Will it be believed that the school referred to never was a Diocesan School, never had any connection with the Church of Ireland, was built by the Corporation of Waterford on a site purchased by themselves, and for seven years before the passing of the Church Act not only was not occupied by a clergyman of "the Church of Ireland," but was occupied by a Roman Catholic clergyman, appointed by the Roman Catholic Bishop, as an Intermediate School in connection with the Catholic University of Ireland? There was at one time a Diocesan School for the diocese of Waterford at Dungarvan, afterwards established at Waterford in 1863, from which the Master, Mr. Valencia, who was not a clergyman, got £1,900 composition money, and £298 was paid out of the Church surplus to the Representative Church Body, and was partly applied to establish a school which is at present under the management of the Protestant Bishop, but in another part of Waterford, and never had had any connection whatever with the school on which Dr. Truill founds his accusation of partiality.

But he states in italics that we found the Christian Brothers in possession, "under a promise of a lease from the Corporation of Waterford," and that we sold the buildings to them. The Scheme for this Waterford School is long since law, no objection was made to it either before us, before the Privy Council, or in Parliament, although notice was given to the representatives of every religious denomination. It recites all the facts I have mentioned, that the School had been maintained chiefly by means of annual grants from the Corporation of Waterford, under the name of the "Corporation of Waterford Free Grammar School," that in 1862, on the death of the Rev. William John Price (who was a Protestant clergyman), the grants in aid of the School were withdrawn, and the School premises were surrendered to the Corporation; that in the same year, 1862, the Corporation accepted a proposal of the Roman Catholic Bishop of Waterford to become tenant of the premises under a lease, and ordered that they should be demised

to the Bishop for seventy-five years from 1862, at a rent of £50 a year, and that in 1863 an Intermediate School for day boys was established in the premises under the name of "The High School of the Catholic University of Ireland," but that no lease was executed: that on May 7, 1867, on the application of Dr. Woodlock, Rector of the Catholic University, the Corporation resolved to *devote* the premises to Dr. O'Brien, Roman Catholic Bishop of Waterford, for the longest term that could be legally given, from 1863 at the reduced rent of £12 18s. 6d., and further resolved that a proviso should be inserted in the lease for redemption in case the premises should cease to be used for educational purposes: that this School was carried on until 1885, when it was discontinued: that the School premises remained in the possession of the Roman Catholic Bishop, and were held under the terms of the resolution of May 7, 1867: that in 1867 a School for the elementary education of boys of the poorer classes was opened in these premises, at the expense of the Bishop, under the *Frères des Ecoles Chrétiennes*. That is what Dr. Traill calls "a promise of a lease"; the resolution of the Corporation was a contract asked upon; the Scheme "said" nothing; it only carried out what the Corporation had already contracted to do, and it did so without a whisper of objection from anyone. The School was an admirable one, used for the very poorest class, and the Scheme even provides that if at any time the premises cease to be so used, they shall revert to the Corporation. This Scheme was finally approved by the Lord Lieutenant in December last, but it had been passed two years previously, and no whisper of objection was ever heard against it until Dr. Traill, while we were on vacation, brought it up to give a sting to his charge, that in *Limerick* we were guilty of "unfair treatment of the Church of Ireland."

I have already shown how far the real history of Leamy's School is from supporting Dr. Traill's statements that "the founders' wishes were carried out for a number of years"; that "the School was used by children of all denominations"; that "the exclusiveness of the Roman Catholic Church proved to boycott the School"; that "it is admitted on all hands to be an efficient school at present," and that "the scheme proposes to wreck a school which is in good working order." He makes a point that our duty is "to increase the usefulness of endowments." We are bound to increase the usefulness of endowments, but in the direction in which they ought to go, and if we found an endowment applied, though usefully, to purposes which were not those which the founder intended, it would be our duty to make it useful for the right purposes, quite as much as if it were not being used at all. Now comes the statement—

"When a Roman Catholic donor bequeathed his money to Roman Catholic trustees, and has left his educational endowments open to all denominations, this Commission has not dared to propose a division of the funds, and to give a portion to Protestants for their own purposes. It is sufficient to mention two such endowments, Hevey's endowment at Mullingar and Dempsey's endowment at Killybeg."

Hevey's will was drawn by Daniel O'Connell. He gave his estate to the Roman Catholic Bishop of Meath, and to another Roman Catholic Prelate to be selected by the Bishop of Meath, and to two laymen to be selected by the two Prelates, with the Roman Catholic Administrator of the parish of Mullingar for the time being, and to these trustees he gave the sole control of his charity. He directed them to keep a school for the town of Mullingar, and he said that in refusing or admitting children, they should not take into account differences of religion. His will contained a skillfully drawn clause taking the property altogether away from education, and giving it to private persons absolutely, if any State authority attempted to interfere. The school is efficiently worked, it fully carries out the founder's intentions, and we entertained grave doubts that we had any jurisdiction

to deal with it, even if there had been any reason for our doing so.

Miss Dempsey gave her endowment to two Roman Catholic clergymen, *ex-officio*, and two Roman Catholic laymen selected by them, and except that her school was to be open to everybody, there is no direction in her will to warrant Dr. Traill's reference to it. In both these cases the endowments are administered fully and efficiently for the purposes intended by the founder.

These cases are identical, not with Leamy's case, but with more than fifty cases in which we have given or left the exclusive management of different endowments to members of various Protestant denominations, under trusts which were intended to benefit pupils without religious distinction.

For example, the third case we dealt with was Morgan's and Mercer's schools, near Dublin. In Mary Mercer's will there was no direction that the pupils were to be Protestant, but the governors were all dignitaries of the then Established Church. In Morgan's school the pupils were to be Protestants, but the governors included, *ex-officio*, the holders of some offices which are now held by Roman Catholics, but were, at the date of the will, restricted to Protestants. The Privy Council held that Mercer's school was exempt from our jurisdiction, and was an exclusively denominational school, although, as in Hevey's and Dempsey's schools, there was no restriction as to the religion of the pupils. In Morgan's school we have eliminated the officials who are now Roman Catholics, and have formed an exclusively Church governing body. These cases are really analogous to Hevey's and Dempsey's, which have no analogy to a case, such as Leamy's, where the testator himself formed no governing body, founded no distinct institution, and declared the object of his trusts to be the education of the poor at large, and where the existing governors include members of different denominations.

Dr. Traill next brings forward Solomon Walker's case, to point his charge that we interpret words narrowly "to hit the Church of Ireland," but if their "obvious meaning" in some other case would benefit that Church, "it is not to be entertained for a moment." The Scheme dealing with Walker's endowment was the subject of friendly communications before us. No objection was ever made against it either before us or the Privy Council, and it has been law now for four years. Dr. Traill has singularly omitted to mention the date of Walker's will, July 13, 1803, a time when the Methodists, of whom Walker was one, had no ordained clergy, received the Sacraments in the Established Church, and themselves had only what they called "preaching houses." Walker's will is this—

"I bequeath £180 to furnish and provide room, with proper beds and furniture, for a Female Charity School." Where? "In or near the Praunche House, Whitefriar-street, and to be called 'The Methodist Female Orphan School,' to consist of ten female orphan children, to attend Divine Service in the said Praunche House."

He gives the interest of £2,000 to maintain the school. No doubt he directs that the children shall attend the Sunday Morning Service in the Parish Church, and shall be brought up and educated in the "form of worship of the Established Church," but so were all Methodists at that time. Whitefriar-street congregation has become the congregation of the Methodist Centenary Church, Stephen's Green; the school has, ever since its foundation, been maintained by the Methodist congregation, is in connection with the Centenary Chapel, is now a large school, and the interest of Walker's Endowment now forms but a small fraction of the amount of money spent by the Methodists in maintaining its orphan pupils. The school has been for many years established in a house purchased by money collected by Methodists, and to which Walker contributed nothing. But what more? The rector of the parish called our attention to the fact

that some children belonging to his flock were pupils of that school, and he asked us to see that their consciences were protected, and that they were permitted to attend their own church. He asked no more. How does it happen that Dr. Traill's "protest" does not mention clause 13 of the Scheme, which, at the rector's instance, we required the Governors to accept?—

"The Governors shall, upon application made to them by the parent, guardian, or other person having the legal right to the custody of any pupil, permit such pupil, on proper supervision being provided, to attend the Sunday Morning Service in any convenient place of worship of the religious denomination to which such pupil may belong, and shall also make arrangements that such pupil may receive any religious instruction given to children of her own denomination in any school which the pupil may attend."

The Methodist Governors objected to that clause. We insisted upon it, relying on Walker's will, the rector was satisfied, the Methodists gave way, no objection was presented to the Privy Council, and the Scheme, after being law for four years, is "resurrected" here by Dr. Traill to prove that his colleagues have refused "equal justice to the Church of Ireland."

He next insinuates that the Mangret Scheme has been given an "intemperate-looking title," and suppresses any mention of the Jesuits, and incorporates "the present trustees of the Mangret Agricultural College, with a few others," with the result of establishing "the Jesuits, an illegal body, in a valuable piece of public property" on which they have expended "£10,000 belonging to that order, apparently without legal sanction or legal security." The body which we propose to incorporate is a body of eleven, of whom six, reducible to three at any time goes on, are to be named by the Lord Lieutenant, three more are to be nominated by the National Board, one by the Grand Jury of the county of Limerick, one by the Municipal Corporation of Limerick, and the other is to be the Resident Commissioner of National Education or his nominee.

Is it fair to describe such a body as that Dr. Traill has done? The Scheme gives the Jesuits nothing of which they are not already in possession under a Scheme sanctioned by the Lord Lieutenant. On the contrary it makes them pay over, for public and unsectarian purposes, the full value of the public property which they at present use for their own purposes.

Dr. Traill's next point is one that I am sorry he allowed himself to make. Dr. Traill tells the Jesuits "an illegal body," "an order not recognised by law in this country, and one expelled from most of the Roman Catholic countries of Europe," and says that "some of them are apparently refugees from France." We have nothing to do with the political or religious disabilities of that order; we may entertain our own dislikes, and, even if you like, our prejudices against them; but their position in the history of learning and of education is above the reach of Dr. Traill's "protest." Stonyhurst and Beaumont are recognised institutions in England. At the head of these Irish institutions which year after year have been recognised, and have received the public money under the Intermediate Education Act, stands Clongowood. Are we to hold a body "illegal," are we to forbid an Order to benefit under our Act, which wins the largest amount of distinction and of public money in the annual distribution of the State Endowments for Intermediate Education in this country? It is true the inmates of Mangret are not described as "the Jesuits" in our Scheme, but we took our description of them from the scheme settled by the Law Officers of the Crown, and signed by the Lord Lieutenant, under the authority of an Act of Parliament. Dr. Traill says, "I think Parliament should be consulted before such a scheme gets the sanction of law." Before any Scheme of ours can get "the sanction of law," not only must the Lord Lieutenant and Privy Council be consulted, but each House of Parliament has separately the opportunity of passing a resolution upon it.

One good point, that about inspection, Dr. Traill has made. The inspection clauses was in the Draft Scheme when I last saw it; it was omitted at a meeting at which I was not present, and at which

Dr. Traill was present, but he does not appear to have then called attention to the omission which was inadvertently made. Our Act is prescriptive in providing that every school sharing in any Endowment under a Scheme of ours shall be subject to an inspection by an inspector appointed by the Lord Lieutenant. The clause must go back, and its omission only shows how hard it is to avoid an occasional slip, due possibly to the fact that my learned colleague had then but recently joined the Commission, and was not as familiar with our Act as I was.

But common justice requires me to refer to Dr. Traill's insinuation that "this scheme does not provide for the inspection required under the Act, in the case of those schools which are to receive a share of The Limerick Endowment for Technical Education, most of which would 'certainly refuse to be subject to State inspection of any kind.'" The schools that take the first place in this branch of education not merely among Roman Catholic schools, but in all Ireland, are the schools of the Christian Brothers. We have examined Christian Brothers, and have visited their schools, in all parts of Ireland, and have made searching inquiry in order to ascertain what it is that precludes them from receiving State aid. Though each individual witness gave only his own opinion, and could bind no others, one and all declared not only their willingness to accept, but that they would welcome State inspection of their schools. What schools would take the largest share under this Scheme? I apprehend the Industrial schools, and there are no schools in the country under stricter State inspection than the Industrial schools of the Christian Brothers—e.g., Arisane, and the Limerick Industrial schools. I am therefore, at a loss to conceive how it can have entered Dr. Traill's mind to imagine that the omission of this inspection clause, made in his own presence, was the result of a dishonest and indirect purpose to enable Roman Catholic schools that "would certainly refuse to be subject to State inspection of any kind" to dispose secretly of public money! I fear that this insinuation is but a symptom of the general prejudice and suspicion which break out in all his "protest."

He refers, as his last proof of our "unfairness," to the fact that we took the buildings of Portree Royal School to be worth the sum of £7,000, but he does not mention that the War Office offered to pay that sum for them in cash!

I have now gone through this "protest" from end to end, I have corrected its misstatements, I have supplied its omissions, and I leave it to all who have heard me to say whether this is a case in which "impartial minds" will hold that "special pleading" can only "furnish specious pretences for unequal treatment." I don't like to refer to the great number of cases in which valuable endowments, many of them including property of public origin, have been secured by this Commission to the Church which is here said to have received "unequal treatment." But, in Limerick, I cannot close what I have to say without observing that no one who knew the friend and colleague whom we have lost, the Judge who shared with me the task of working this Act of Parliament for nearly five years, could patiently endure to have it suggested that he, in the administration of his judicial functions, knew Protestant from Catholic. Of all men I ever met, Lord Justice Nash was one of whom I would say that his shrinking from anything that could cause in any man's mind even an unfounded suspicion of partiality—his shrinking from that amounted almost to timidity.

Our Commission has been attacked in the public press ever since this "protest" was published, and it is right that you should know how it has been disseminated. It bore date August 5, 1890, but it was not issued, signed, or even completed, at that date, nor until August 22. August 5, 1890, was the last day on which we met before our vacation, and when Dr. Traill published this paper we were all away from Dublin. He has circulated it widely since, with the result of arousing us, so far as newspapers can do

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it, upon this very hurtful charge, with all the weight of what, in the words of one of the objectors, seemed to be "an authority that cannot go wrong." In one of the objections it is said that "Dr. Traill, one of the Commissioners, and therefore qualified to speak on a matter of fact, states in his protest" so and so,—the "matter of fact" so quoted is one of those statements of which I have now disposed, and I need say no more.

I must now end, as I began, by begging you all to remember that if we fail to come to some fair and practical solution of these difficulties the only result will be to leave things as they are. The interests involved in these three cases are so connected together, that it would scarcely be just to dispose of any one case without disposing of the others, and we, therefore, have tried to bring about a solution of all three. I wish that we could see our way to some "giving and taking," which after all is a practical way of dealing with contentious matters. We will hear you all fully, we will do our best to come to a fair conclusion in all three cases; if we agree upon any Scheme, and you do not like it, it is open to each of you to try to persuade the Privy Council or either House of Parliament to do better than we have done; and in the end I trust that something substantially useful, and substantially just, may be done.

There is one personal interest which I ought not to forget; objections have been sent in by the five teachers who are employed in Leamy's School. Our Act of Parliament requires us to save, or to make due compensation for the vested interest of individuals receiving emoluments from endowments with which we deal. Other Schemes have treated teachers, however precarious their tenure of office, as having vested interests, but the tenure of their office affects the

question, not whether they have a vested interest—but what is the value of their interest. We have given different measures of compensation in different cases, but, speaking for myself, it would occur to me that the teachers in Leamy's School may fairly claim similar terms to those given to the assistant teachers in the Royal Schools. These assistants were appointed and were removable by the Head Masters, just as these teachers are appointed and removable by the Governors; it was unlikely that the existing Head Masters would remove them, but where our Scheme disturbed the status of the Head Masters, compensation was provided for the assistants, limited, I think, to three years salary. One year's salary is offered by this Scheme, as compensation for "vested interests." I did not happen to be present when that sum was fixed, and I should be glad to hear what is to be said as to the amount.

There now gone through all the objections. I am very sorry to have occupied such a length of time, but a good deal more is involved in these cases than the movement of the endowments. According to our usual course of proceeding, we first hear the person in possession. We might therefore hear Canon Gregg upon his objection as to the Diocesan School; then hear the Rev. Mr. Head for those in possession of Mungret; and then hear Dean Bunbury or Mr. Barton for the Governors of Leamy's School. Then we might hear Bishop O'Dwyer, in opposition, in two of the cases, and Mr. Barton, in opposition, in the third case; and finally, those in possession will be entitled to reply. I believe Bishop Graves has come down to give us some information, and as it is inconvenient to him to remain, we will first hear his statement before we go into the discussion.

Right Rev.
Dr. Graves.

Right Rev. Dr. GRAVES, Lord Bishop of Limerick.

669. I am labouring under an indispotion of the throat, which makes it difficult for me to use my voice; and as I have always found that a person speaking extempore, speaks at greater length than he might state his opinions by putting them on paper, I have put on paper what you might perhaps allow me to read. I have tried to make some general observations which I thought would be deserving of your attention. The Trustees of Leamy's school, managing it under a scheme sanctioned by the Court of Chancery, endeavoured faithfully to give practical effect to the spirit of those schemes in all their details, and especially the provision relating to the religious instruction of the scholars of different religious denominations. I regarded, and I know that they regarded that regulation as equivalent to a conscience clause. I can declare that they never made any attempt to interfere with the free exercise of the religious liberty of a single pupil. My views and feelings on that point were well known, and I should certainly have heard of any such attempts if they had been made. The Trustees never did anything to provoke the withdrawal of the Roman Catholic pupils from that school, but the authorities of the Roman Catholic Church withdrew the children, for reasons which I am not here to dispute. They required the Roman Catholic parents and guardians of some fifty Roman Catholic children to cease their attendance at the school, and to give up the advantages which they had been previously permitted fully and freely to enjoy. The parents, by sending their children to the school, had shown that they valued the educational advantages offered to them, and it is equally certain that they had no fear of the children's faith being tampered with. However, the children were withdrawn, when the authorities of the Roman Catholic Church saw fit to enter upon a course different from that which had been adopted by their predecessors, at the time when the Chancery scheme was laid down, and, indeed, pursued by them for several years. The withdrawal of the Roman

Catholic children was owing simply and solely to the action of the authorities of their Church. They believed that they were doing what was right, in the interest of the children, themselves, and of their Church at large. Still, I maintain, that it would not be equitable or reasonable to break up this Endowment in consequence of the withdrawal of the Roman Catholic boys, brought about as it has been. Such a measure would inflict a serious injury upon the Protestant children who are now being well taught in the school. With a diminished revenue the Governors would be unable to keep up a sufficient staff of qualified teachers; in fact they need increased resources to enable them to improve the school, in ways which would make it more useful to the pupils, whatever class they belong to. It is quite a mistake to say that the Governors have disregarded the intentions of the founder, by admitting pupils who pay a small yearly stipend; these fees furnish means to employ teachers of a superior class. The character of the instruction given to all the scholars is raised, and I can truly say that the forty scholars who receive a gratuitous education, derive fully, perhaps the largest share of benefit from the existing arrangement. I think that those who will take the trouble to inquire, will find that the Commissioners of Education, and the Charity Commissioners in England, have sanctioned schemes in which the principle to which I have alluded has been introduced. The working of schools which had existed for a long time only as elementary schools for the poor, attended by children of the poorer class, who receive gratuitous instruction, has been improved and rendered valuable for all the pupils, by admitting some who pay moderate fees; none in such schools were excluded by the change, and all were benefited when the standard of instruction was raised. With these general observations upon the management of Leamy's school I close what I have to say.

Lord Justice FRY-GREGG.—Now we will hear Canon Gregg.

THE LIMERICK DIOCESAN SCHOOL.

DUBHAR P. BARTON, Q.C.

Oct. 17, 1890.

Dubhar P.
Barton, Q.C.

650. *I appear for Canon Gregg, through, of course, Canon Gregg will give any assistance that you require. Canon Gregg's objection has reference to one point only, namely, his claim to pre-emption; but there are other points in a prior objection from the Roman Catholic Bishop of Limerick, and with reference to that matter it might be well, if any sense is to be laid on it, that it should be opened.

651. Lord Justice Fitzgerald.—This claim of pre-emption is a separate question, and we wish first to hear how he is entitled. If any other objection is put forward, you can reply.

Mr. Barton.—I don't say belated to pre-emption under any statute or decisions of the Courts of Justice. Your lordship said that we claimed this right of pre-emption as a salvage creditor, or on structural grounds.

652. Lord Justice Fitzgerald.—On both.

Mr. Barton.—But we do not claim the right of pre-emption on those grounds solely, or indeed, mainly. No doubt, the fact that this school would not be there as all but for Canon Gregg is an important fact in his favour. That there would be nothing there but a few old bricks, is in his favour; and that he has discharged the duties with reference to the school with such personal assiduity and self-sacrifice, is in his favour. But what we mainly rely on is that he is an educational person carrying out educational work, in meritorious occupation of the premises. I would like to know if there is any precedent. All the cases appear to be the other way. This is a case in which a person in meritorious occupation, carrying on educational work, is practically sentenced to have his school closed, and himself turned out. It is idle to suggest that if this school is to go into the open market for public auction, the chances are not almost entirely against Canon Gregg being able to buy the school. This is not merely a case in which you put Canon Gregg to the inconvenience, which we consider would be unfair, of submitting to public competition; it is not public competition which Canon Gregg would have to meet. It is not the ordinary case of the public coming to an auction to buy a house. The competition he will have to meet is of a different kind. It is that mentioned in the evidence of the Bishop, in which he said, "he would give money out of his own pocket to get rid of Canon Gregg." He used these words, and I have no doubt used them with a perfectly sincere sense that he was right in his desire. We are not merely submitting to the ordinary public competition, but directly to the hostile competition of those who have declared their intention and desire, and I have no doubt are prepared to justify it, that they will give money out of their own pocket to get rid of Canon Gregg, and you are placing Canon Gregg in this position that he will go into the auction, not to meet fair public competition, but to meet those who are prepared to spend money to get rid of him. He would have the competition run up to that point at which he would have to give an exaggerated price, or else he would not be able to meet such competition, and the house would be knocked down under the Scheme, and this school would be put an end to; and the effect of the Scheme and all these inquiries would be, that a valuable school, attended by a large number of children, doing admittedly good work by the evidence of all these public officials who have visited it, would practically be sentenced to death; and that would be the way in which education would be advanced by this Scheme. I submit you should not subject Canon Gregg to public and, avowedly, hostile competition. Why is he not entitled to the right of pre-emption? I listened to Lord Justice Fitzgerald's observations about what Dr. Traill said with reference to the so-called Diocesan School at Waterford, and Dr. Traill's argument is not met except that the word "diocesan" was incorrectly used, and it was not in the technical sense what we call a Diocesan School, namely, a school under the Statute

of Elizabeth. In that case the parties asked to be constituted under the lease which the resolution provided.

653. Lord Justice Fitzgerald.—When we dealt with it, it had been for twenty-seven years an exclusively Roman Catholic school, held under a contract for a lease from the owners.

Mr. Barton.—I am not now taking the facts of that case, beyond this, as illustrating what I am at now. Except that in that case the parties who were in meritorious possession under the resolution had been there since 1822, while Canon Gregg had been there since 1874, there is no distinction. It cannot be said that because they were there twelve years longer than Canon Gregg, that entitled them to a right of pre-emption, which Canon Gregg would not be entitled to. Their promise of a lease from a corporation was, no doubt, a contract in point of law, and if there was an action for specified performance, it had a more binding effect than the circumstances under which the Commissioners accepted Canon Gregg. At the same time for educational purposes, for the purpose of constructing this Act of Parliament, I submit that they had no better right from the fact that they were in twelve years longer than Canon Gregg, when your Commission confirmed the title, and gave them the right of pre-emption, and I have no doubt rightly.

654. Lord Justice Fitzgerald.—We gave them no right of pre-emption. We merely established them in their existing rights.

Mr. Barton, Q.C.—To that I make no objection. Canon Gregg has equal right here to ask you to give him the right of pre-emption as being in meritorious occupation. What have you done in the other cases that are before you? The Leamy School is given the right of pre-emption—we will discuss that matter afterwards. In the agricultural school the Jesuits are given the right of pre-emption, and we are not objecting to that. I do not refer to the matter of infirmity in their title, their possession and outlay are great points in their favour. Great difficulties with reference to their position, and to the trustees, and to the title, are removed by your confirming their possession, but how is it that Canon Gregg is not to be given the right of pre-emption, for, despite it as you will, this so-called public auction is simply sentencing this school to death? The bishop in his objection uses two expressions which I could not pass over in silence: he speaks of Canon Gregg's entry into this place as "underhand, if not fraudulent." I don't think his lordship was present during your opening observations; you said, on a full review of all the documents, that you acquiesced in Canon Gregg of anything underhand or fraudulent, and anyone who read the documents must see that that is so, and I earnestly trust that such observations will not be maintained, or that some proof will be attempted to be offered to justify such a statement. But you said that Canon Gregg disputed the title of the Commissioners. He never disputed the title; what he said was that he thought he might have disputed the title but did not do so.

655. Lord Justice Fitzgerald.—He said, "I believe that if I chose to dispute their title my position could not have been disturbed."

Mr. Barton.—In other words, although he believed he might have disputed it, he abstained from doing so. There was no wonder he thought so. Here was this matter being submitted over and over again to eminent counsel, he could not distinguish whether the infirmity was in the title of the Commissioners, or in their power to give title to others; all he knew was that the matter was going before counsel and counsel, he certainly believed that he could have disputed the title, but he never did so, and the fact that he was aware that there was some infirmity is rather in his favour, for he put them to no trouble as far as he was concerned. What is the history of the whole transaction? From 1875 to 1879 no answer was ever received by him to the letter, in which you said he

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made a very proper objection to the terms offered to him by the Commissioners; that letter was written after Mr. Law's opinion. No answer was given, and for four or five years it went on without that matter being brought up. Can it be objected, when Canon Gregg dealt perfectly above board with the Commissioners, informed them beforehand what he was doing, only himself went into possession when Mrs. Hall was being pestered by private persons who wanted to get into possession, and when it was intimated to him that if he went into possession the Commissioners had no objection. He informed them immediately of what he had done; and every year these transactions were submitted to Parliament in a published report. Was there ever a more public transaction? Was there ever a transaction more in the light of day? Not an act of this gentleman, not a child who ever came into the school, was not communicated to the Commissioners, and actually laid every year before Parliament. It is a most invincible suggestion that there was anything underhanded or fraudulent in Canon Gregg's action; his whole conduct in connection with this school is a striking monument of what a charitable Christian and clergyman can do. I ask on what ground you are going to make this exceptional treatment of Canon Gregg? You issued a consent scheme—Canon Gregg assented to it. You did not mention why the consent scheme was withdrawn, in which Canon Gregg was to be left in as tenant, and was only to be turned out for non-payment of rent. Why is that scheme withdrawn, and why is Canon Gregg to be compulsorily sold out of his school? I would remind you of what the Commissioners said in their report to Parliament—"In Monaghan we have failed, but we are more fortunate in Limerick." Thanks to Canon Gregg they are more fortunate in Limerick, and this school has increased and prospered. I am glad to see there is not a question in the very full objection of the Bishop as to the question of proselytising. I read the evidence on the last occasion, and it appears to me that the charge failed; and I will point out one remarkable thing which cannot fail to have weight with you. It was suggested in the former evidence that the other Protestant ministers of the diocese looked askance at the school. Bishop O'Dwyer said if Dean Banbury or the other clergymen will stand up and say they approve—

656. Judge O'Brian—I would not have you under any mistake that there is no objection; there is a letter of mine, in which I express my opinion on the subject, not merely for the purpose of identifying my own position, but to a large extent, of removing from my colleague so much of a burden that has been unduly cast on him. Don't assume that the objection is withdrawn.

657. Lord Justice Fitzgerald—I intended to convey the impossibility, whatever view I might take of Mr. Gregg's position or conduct, of my giving effect to my own opinion, unless my colleague also agreed: The impression produced on my mind by the evidence with regard to Canon Gregg's school was this—that the school was doing a very charitable work to very deserving children, and doing it in a very good way; that seventy-five per cent. of the children were strictly members of his own flock, and always Protestant; that the remainder included children of mixed marriages, and therefore were children to whom Canon Gregg had a claim, but not an exclusive claim: I was unable in the evidence to find any instance in which Canon Gregg had kept any child in his school without what I would call legal authority. But there were some children in the school, beyond all doubt, who had been brought there by Roman Catholic relatives, being children of mixed marriages, to be brought up as Protestants, and some of them had previously been in Roman Catholic hands, perhaps baptised Roman Catholics, and occasionally going to Roman Catholic schools. I did not think that course of dealing was a reason for departing from the scheme. But then came the question, which broadly put, was this—ought the powers of this Commission to be exercised in favour of any private enterprise of an unpopular character

on either side? Failing to obtain the concurrence of my colleague in signing the scheme framed for Canon Gregg's school, I had to consider what was the next best thing to do, and I thought it better to see that Canon Gregg was at least secured in his outlay, and was secured in his possession until he was completely indemnified. That is the principle of this scheme. I admit that he may lose his possession of these premises if he is indemnified, but not otherwise, and the real question is whether he has any title to pre-emption over and above full repayment of his outlay, or to be given a better position than that he has at present. But in all this matter you have to satisfy my colleague not me.

Mr. Barton.—I thank your lordship very much. The scheme does not make his position better; how is it made better?

658. Lord Justice Fitzgerald.—It is made better—I am now putting the case against myself as well as against you—better in that the Commissioners of Education are on the very point of being reconstituted, and his legal position is that of tenant under a document which leaves him liable to eviction or notice to quit without any claim whatever for compensation, and without any credit for his expenditure. If the promise should be evicted or sold, he, as well as the Jesuits, is bound to make no claim for compensation on the determination of his tenancy. It is a question of losing all or getting five hundred pounds.

Mr. Barton.—That would apply to all the other cases; these other people are made better, and are we to be made worse?

659. Lord Justice Fitzgerald.—The Waterford people were not made better; they were only confirmed in their lease, and on the very terms of their lease. The Jesuits are not made better; they are required to lay out the public interest if they want to secure themselves in their outlay, which far exceeds any price that the whole place could fetch.

Mr. Barton.—I cannot follow that reference to a possible change in the constitution of the Commissioners. Canon Gregg feels deeply that it was suggested by the Bishop that the Protestant clergy of this diocese were not backing him up with reference to the school, and looked askance at it, because the main public opinion of us Protestants is against proselytising. No doubt, when Dean Banbury was appealed to he spoke perhaps with an uncertain voice. What was the result? Upon this charge of proselytising being thrashed out the whole Protestant community of Limerick have come to Canon Gregg, and are now supporting him. They say—"We have heard these charges, and we don't believe you have done anything of which we need be ashamed." The whole Protestant community of Limerick—the Episcopalians, Presbyterians, Methodists, and Congregationalists, who, although they may not be ministers, are men whose matured convictions, and whose judgments on matters of fact affecting religion are worthy of the gravest consideration, have all now come and said "Although we took no public part before we now declare ourselves on his side." If the question comes back to this, that he is to be treated in an exceptional way, because of this proselytising suggestion, then I ask that the whole matter should be put to the proof, and that he should not be specially treated without having the *ratio decidendi* fully discussed and gone into. Upon this matter I do say that Canon Gregg's position is now stronger than it ever was, because this charge has been fully gone into, and has been disproved. It is not such proselytising as we know has been described; he has done nothing that was not almost admittedly done by the Roman Catholic clergymen. They feel it their duty to deal with the children of mixed marriages, they cannot deny the right to Canon Gregg to recognise the same duty and to discharge it, and that matter having been disproved, I ask that you should not make this exception in the case of Canon Gregg but should give him that pre-emption to which he is entitled, not merely by the fact that he is a great educational institution, or upon his having procured this building for educational

purpose, but also on the ground that he is in meritorious occupation of an educational establishment. The object of this Act of Parliament and of

your Commission being to advance education, the effect of your scheme is to destroy the admittedly prosperous educational work carried on in this institution.

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Dorset F.
Barton, &c.

THE LIMERICK ENDOWMENT FOR TECHNICAL EDUCATION.

Rev. THOMAS HEAD, A.J., Rector of Mungret College.

590. *I think we ought in equity to get Mungret at the lowest terms which you would consider to be a fair price, and, in support of that, I would put a few points. We took this place in perfect good faith, believing we were getting a perfectly valid lease.

591. Lord Justice FRANKLIN.—I wish to explain that, even if we treat your lease as valid, it carries with it the trusts to which you object; e.g., the rights of the trustees in the appointment of the Head Master, the maintenance of an unobscured Intermediate school, and the agricultural education.

Father Head.—I understand. We have applied to get the trusts changed, and I understand that the Commissioners are willing to allow us to buy the place out, but otherwise don't wish to interfere with the original settlement by the Lord Lieutenant. We find it impossible to carry on the agriculture, it has failed. It was not any fault of ours, we were ready to teach but not to farm. With regard to the Intermediate education, it is not correct to say that we have not carried out that trust, the education we have given has been Intermediate education, we prepare boys for matriculation in the Royal University, that is a test of Intermediate education, we teach the boys from the beginning of Latin Grammar until they get into the University; and it was by resolution of the trustees that we changed the examination, but we are still an Intermediate school. The matriculation examination is a test of Intermediate examination, just as much as the ordinary Intermediate examinations. We are willing to buy the place out if we get it at a fair price, and by doing that we thought we were facilitating the work of the Commission in settling the Limerick endowments. I think that is another reason why we should be treated with the greatest lenity. We are not asking for any share of the endowment, we are only asking to get it at a fair price, which we leave in the hands of the trustees to be disposed of by them. The Limerick endowment is divided between the claimants, but we give up all share, and ask for nothing except to get the place at a fair price, and we think we should not be charged more. Our school has been a great success, and at present it is the only Catholic school in Munster out of which a young man can get a University degree. We have at present thirty-eight students preparing for the next matriculation examination. We have sixteen undergraduates, and as the spirit of the Act under which you are acting is to give the Catholic schools a certain amount of encouragement, I think we ought to be treated generously in the matter, when we are giving up the whole of the endowment. Then, with regard to how that price is to be decided, I think it is by what the place would now sell for in the public market—not what it cost originally. Some of the objectors state that the place cost £11,000; the documents published by the Commission state it cost £8,000, but at all events the question of a fair price is not what the place cost originally, but what it would sell for now. The Great Eastern before it was broken up cost thousands, and I believe it was sold for not as many hundreds as it cost thousands. Who would think of giving for one of the grand mansion houses of the country at present what it originally cost; such as Mountshannon, which cost £50,000. To come to details, the instruments, if there is any question about them, if we get a substantial reduction we would buy at a valuation. But the main question is, what is the farm worth and the house worth. With regard to the farm, I think £1,000 can be proved to be the most it is worth at present. It was originally bought for £1,000 about 1832. It was improved to some extent, being in the hands of an agricultural school, but, on the other hand, land is falling in value; the productive power

of the farm, I am quite sure, is not new £10 a year more than when the agricultural school got it, so I think £1,000 would be a fair price at present. Again, take the valuation. It was valued by Mr. Hugh Massey, a gentleman of the highest knowledge of agricultural affairs, a gentleman who belongs to the landlord class, and who would not be likely to undervalue the land. In 1882 he valued the farm at £70 a year. Throughout the whole of Ireland there has been a fall of about 20 per cent. in value since, and £56 a year ought to be the fair value at present. At what rate do farms sell in the County Limerick at present? Seventeen years' purchase is the highest, I think, under the Land Act—17 times 56 would be £952, or eighteen years' purchase would bring it to about £1,008. For the Mountshannon estate, to which I referred, the highest offer, I understand from Mr. Barry, has been £15,000. I believe the house is valueless, and that the whole £15,000 is given for the land—947 acres of land, at least as good as Mungret, and beautifully situated on the Shannon. Now, by the rule of three, if 947 acres cost £15,000, that will leave £1,106 for the price of the farm of Mungret.

602. Lord Justice FRANKLIN.—Is there not timber on Mountshannon?

Mr. J. G. Barry.—That is not included; it was valued separately. The poor low valuation of Mountshannon was over £300 a year.

603. Lord Justice FRANKLIN.—Mungret was let in 1853 to the National Board for sixty-one years, on a lease, at £70 15s. 4d., presumably at a low rent, being for school purposes.

Father Head.—I hold land has fallen in value since. The valuer sent down by the Commissioners valued it at £75. That included some of our own improvements; but even £75, at seventeen years' purchase, would be only £1,275. Then, as to the house, I understand that the lands of Mountshannon will go for £15,000 without it, and that actually orders have been given to pull down Mountshannon House, if they cannot dispose of the land otherwise. What Mountshannon House cost I don't know, but it is a magnificent house, beautifully situated, and probably cost £50,000. It is regarded now as simply an incumbrance, hindering the sale, and diminishing the value of the place. It is not the only place in a similar condition in the County Limerick. Coming down to Limerick, at Cois, you have seen a magnificent house, Castle Lyle, that has simply tumbled down, because no gentleman would live in it. A farmer took it, and it has fallen into ruin.

604. Judge O'DRISCOLL.—We passed by half-a-dozen of them within the last few days.

Father Head.—If Mungret was to be set at a rent, there are very heavy taxes, poor rates, and insurance, and I don't think you could get anyone to give more than £30 a year rent for the old college, keeping it in repair. £30 a year, at ten years' purchase, would be only £300. The Scheme itself fixed as a rent £125 a year, with a price of £3,000 alternatively. If you valued the land at £70, that would leave the rent of the house £55, and ten years' purchase would be £550. No gentleman would take the old house as a dwelling-house, it could not succeed as a college. What else was to be done? No farmer who wanted to farm 40 Irish acres would want that building.

605. Lord Justice FRANKLIN.—There is a great difficulty in throwing the buildings out of consideration, having regard to what they were taken for. The scheme under which you took the place says the preparation of pupils for the Intermediate Examinations, together with the preparation for University education, shall form the main purpose of the school.

Rev. Thomas
Head, A.J.

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Rev. Thomas
Head, R.C.

By that scheme you are bound, and the question is what those buildings were worth, for the purposes for which you took them.

Father Head.—The buildings were only suited for a college, and for nothing else. I will prove that from a money point of view, it could not possibly pay; the greatest number of students we could crush into the old house would be 70. If we carried on an Intermediate School for 70 pupils it would require at the very least six teachers and persons required for discipline, we pay actually ten. But supposing we had only an Intermediate School with six teachers, the most that could be packed into that house would be 70 students. Sixty is the most that could be comfortably accommodated. The highest average we could get from these boys was £30 a year, and it would be almost impossible to make £5 a year profit. Consider what they eat, washing, wear and tear of furniture, and cost of servants. The most we could possibly have would be £5 a year to support the staff, and, besides the staff, £3,000 would be required to work the place. The first year we took the place £1,297 was spent on the buildings and other matters, exclusive of the furniture, so it would take £5,000, at least, of capital to work the place. If the teachers had £80 a year, including the head master, that would be £480 a year. Four per cent. on £5,000 would be £200, or £500 a year. And £5 profit on each boy would be £350, allowing a loss of £210 a year. Supposing the college always full, and every boy paying his pension—which they don't—the extraordinary expenses would be £300 or £360. But I come to the actual facts. At present we have spent £13,000, and we are able to accommodate 110 boys; we have at present 95 and 2 day boys—83, and I think we shall be quite full after Christmas. In the lay school we have 54 out of the 95, and the two day boys. Last year our average number was 83 boys, between the lay boys and the Apostolics. On our accounts last year there was a very heavy gross expenditure. But I will take the ordinary expenditure, which does not include repairs of buildings, the work of the farm, nor special expenditure connected with our own body; but there was £3,100 required for the scholastic year, from the middle of 1889 to the middle of 1890. There were 83 boys, of whom 40 were lay boys. I don't think we did get £30 a year each out of them. But supposing the whole 83 boys paid £30 a year, that would make £24,900 revenue to meet an expenditure of £3,100, and we would have lost £600 a year if we were simply depending on what we could get from the boys. You will ask how we are able to work it. There are various sources—aims for this Apostolic School, and the priests have a certain amount of income that they get independent of the school. But if we were a mere commercial body we would have lost £600 last year. The college, besides, failed twice before we got it. It was an agricultural school, and it was shut up. It was a diocesan seminary and the Bishop shut it up. A school like that nobody would take. We would not have taken it only that there was a certain endowment with it, and Father Ronan got the promise of the late Dr. Butler that he would have the Diocesan Seminary there, but he found it was too small, and, having thrown himself into it, he resolved to collect money and build a great college. He begged for money through Ireland and America. He was very successful, and this money—a great part of it, I think—unfortunately was spent on this new building. We would be very glad if we could get three-fourths of it back, and have the buildings taken off our hands.

664. Dr. MOLLOY.—Would you be willing to accept

the conditions we are giving to Canon Gregg—that is, to have the place put up to auction, and to have a credit for £13,000 against it?

Father Head.—Oh, certainly.

667. Lord Justice FRINGEMAN.—I am afraid there is a fallacy in all this, even commercially. If a hotel could only pay if it could accommodate 100 guests, and if the proprietor bought a house which would accommodate only 50, with a view of adding accommodation for the other 50, should he get it for nothing?

Father Head.—We have added £13,000, and it can now accommodate 110 pupils. We could not expect more than £10 profit from each of the 40 additional pupils, that would be £400, that would not be the interest on £13,000.

668. Lord Justice FRINGEMAN.—We must take it that when you went there you wanted to make the place what it is. The buildings that were there already saved you something in your building; they were worth something to you, and the question is how much? They cannot be separated now.

Father Head.—It was only fit for a College, and as a College it was too small to pay, and you would get no person who wanted to found a College to take it except he wanted to add to it. We did not want to build a place for 110 boys. Father Ronan only wanted a place for an Apostolic School, where the most we have is from 40 to 50. So the house would have suited him so far, but he would not have paid a large rent for it. With the greatest difficulty he got the sanction of our Superiors to take the place, on the understanding that he would be helped by this endowment.

669. Lord Justice FRINGEMAN.—For the Apostolic School? We know the history. You expected a different scheme, which is actually endorsed on your lease. But the Government would not sanction Lord Enly's proposals, and the Law Officers altered the scheme endorsed on the lease. The moment it was signed by the Lord Lieutenant it was open to you to say to the trustees—"This is a different thing from what we wanted, and from what you led us to expect, and we will walk out." All these trusts about agriculture, intermediate education, and keeping an intermediate school open to pupils of every denomination were by law attached to the place when you went into it, and that is now your weak point. You want to get rid of these trusts, and the question is how much public property you still have that you got on condition of carrying them out?

Father Head.—The public value ought to be estimated at what the place would fetch if put up to public auction; it is only suited for a College, and as a College by itself it would not pay. There is no Catholic College in Ireland that would return 1 per cent. on the capital spent.

670. Rev. Dr. MOLLOY.—Have you said what sum you would think fair?

Father Head.—I have asked for a reduction of £1,000.

671. Lord Justice FRINGEMAN.—You estimate the buildings as being worth only the difference between eighteen years' purchase of £36 and £1,500?

Father Head.—Yes, if they were put up for auction I don't believe they would sell for more than £100, but that cannot be tested at present.

672. Judge O'BRIEN.—What could they be used for if they were put up for sale to-morrow?

Father Head.—I think only for a College.

Judge O'BRIEN.—I expect they would only be taken by a dairy farmer, he would not take them as a coarsure with acres of stone vacant in Limerick.

Father Head.—It could not be for a mill, there is no water there.

JAMES GIBNEY HARRY, J.P.

673. You have on record the opinions and the suggestions of the trustees, so I shall not trouble you except to say that we adhere to the evidence we have given here before, and that we agree with the losses and the Rev. Mr. Head, that the buildings at the time

were a white elephant on our hands, and under the trust we could not have given them to anyone except a body like the Jesuits. We could not have given them to a Protestant body because it was meant for the education of the farmers of the county Limerick—

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we could not find any other body—we searched and looked throughout Ireland to get people to take it off our hands.

674. **Rev. Dr. MOLLOY.**—The building was going along.

Mr. Barry.—It was on my hands. Mr. Bourke took it and failed the first year. There were certain trusts that should be carried out by whoever took it, and no person in their senses would have taken it with such trusts.

675. **Judge O'BRIEN.**—Does it occur to you that if the buildings were sold to-morrow they would fetch more than the value of the doors and windows and whatever else could be taken away.

Mr. Barry.—They would not. I was concerned in the sale of Mountshannon, it was broken up into lots; one lot was about the size of Mangret with the house, and those who came to see it said "it would be

impossible for us to pay anything for those buildings they are too extensive."

676. **Rev. Dr. MOLLOY.**—You were for a considerable time trying to dispose of the buildings, and you could get no one to take them.

Mr. Barry.—Yes, unable to find anyone.

677. **Rev. Dr. MOLLOY.**—I think you said that you don't offer any objection to our Scheme.

Mr. Barry.—We don't come here formally to object, but we don't assent to it.

678. **Lord Justice FITZGERALD.**—Being trustees it is your duty to get as much as you can; and you mean to convey that we are giving you more than you think you ought to get?

Mr. Barry.—I don't know that, but as trustees we have done the best with the property. The original sum left to us was only £1,000 and we have increased it to £3,000, of which we can account for £2,200; the difference was spent on repairs.

REV. THOMAS BROWNE, P.P.

Might I say a few words about the National School.
679. **Lord Justice FITZGERALD.**—Perhaps it may shorten your task if I tell you how you stand. The lease to the Jesuits excepts the sites for male and female National Schools. It appears there was a site and building for the female school, but the male school was held in the College, and the site has never been set apart for it. We think you are entitled to have a site for a male National School, but you now ask six acres of the land. We cannot give you that when we are validating the lease to the Jesuits, and they took the place subject only to giving the two sites. If we gave you the two acres on which agricultural education was to be given, could you start a teaching farm?

Father Browne.—I say that if the money is to be expended in supplying plots of land in connection with schoolhouses I have a first claim on it.

680. **Lord Justice FITZGERALD.**—You would have a demand, and I think a first demand, upon the Limerick Board of Technical Education to aid your school. Of course they would have to aid other schools also; but at present we are dealing with your rights against the lease to the Jesuits. You are entitled to a site for a male school, and it is now for us to set it out.

Mr. Barry.—We did set out a site for the boys (produce map) at the time of the lease.

681. **Lord Justice FITZGERALD.**—Then that is the site to which Mr. Browne is entitled. We did not see this map before, and we thought that no site had ever been set apart. Our scheme will give you that site and £100 out of the fund. We fixed £100 because you could borrow from the Board of Works twice as much more, and we thought £300 would build a school of about the size you want.

Father Browne.—The estimate of the school was £318, and I think I ought also to get some compensation for the damage done to the fixtures of the school, benches and forms. I should say £50 or £60 more would be required to put them in order, and then I ask the Commissioners to give me as many acres as would assist in teaching the boys farming.

Father Hend.—He has 25 acres of his own quite close.

682. **Lord Justice FITZGERALD.**—That is land with which we have nothing to do.

Father Browne.—I would wish the Commissioners to define the bounds of the female school.

683. **Rev. Dr. MOLLOY.**—We understood there was a female school on the premises, and that was what we reserved.

Father Browne.—I would like to know the extent of the premises.

684. **Lord Justice FITZGERALD.**—We shall be glad if you and the trustees will give us a map of the girls' school.

Father Hend.—The map is attached to the lease.

Father Browne.—I asked for the map, and I did not see it. I sent to the Board of Education for the

map, and they said they had none. I wish to have the question defined to prevent any dispute.

685. **Lord Justice FITZGERALD.**—We don't see our way to giving you any land out of the household of the Jesuits beyond what was reserved, namely, the site of the boys' school as mapped, and what was connected with the girls' school at the date of the lease. Giving you that and £100 we thought we treated you very well.

Father Browne.—Then I want some compensation for the school furniture.

686. **Lord Justice FITZGERALD.**—Had you bought it?

Father Browne.—No, it was there before my time.

Mr. Barry.—It belonged to the National Education Commissioners; they worked the male school.

Father Browne.—It has put us to so much expense; I think I ought to be indemnified.

687. **Lord Justice FITZGERALD.**—What expense did it put you to?

Father Browne.—To get new furniture.

688. **Lord Justice FITZGERALD.**—That is to say there being furniture in Mangret which did not belong to you, but to the Commissioners of National Education, you opened a school for yourself, and had to supply yourself with furniture. What more can we do for you than give you enough to get a National Board grant which will enable you to build a school? We should be glad to have from you, in writing, a description or measurement of the site of land you claim as connected with the girls' school, if it is not already shown on the map upon the lease.

Mr. Barry.—It is shown.

Father Browne.—I think it is about half an acre, and it is bounded by a ditch which shows what was intended to be given to the girls' school.

689. **Lord Justice FITZGERALD.**—We will ask Mr. Barry to send us up a map, if that on the lease is not right—but if the one on the lease is right to send us a tracing of it.

Bishop Graves, who is not very well, is anxious to leave, but before going, he asks me to enquire whether it is necessary for him to say, first, with regard to Canon Gregg that in all his negotiations about the buildings at Roxborough Road, the steps were taken with the knowledge of the Bishop as one of the Commissioners. The letters I have read to-day put that matter beyond question. The other matter about which the Bishop was naturally anxious, as Canon Gregg is one of his clergymen, regards the management of Canon Gregg's school. The Bishop desires to say that the view he took of the matter is the view which Canon Gregg presented. I don't know that there is any controversy about facts on which the Bishop has any personal knowledge, but it is natural that he should wish to say so much on the matter. I don't think it necessary to ask for his evidence on these points, unless what I have said is really controverted.

Oct. 12, 1890.

J. G. Barry,
P.P.

Rev. Thomas
Browne, P.P.

*THE LEAMY ENDOWMENT.

DUMKAR P. BARTON, Q.C.

Oct. 12, 1906.
Dumkar P.
Barton, Q.C.

Lord Justice FRINGIBSON.—Following the usual course, the next matter we should like to hear is the claim of the Leamy Governors.

690. Mr. Barton.—There are two matters which your lordship's statement this morning cleared up, which I think are rather important. The first was as to the religion of the founder, which your lordship said is a matter which ought not to be left out of sight in these matters. There can be no doubt now that we have the best evidence that Leamy was a Protestant. That matter is now at rest, and need not be referred to. Another matter which has an important bearing on the case is this Master's report, which evidently was submitted to the Court of Chancery before this scheme was completed.

691. Lord Justice FRINGIBSON.—The report was confirmed and the scheme with it.

Mr. Barton.—But the clauses and provision of this scheme which made the school undenominational, and which provided for the teaching of the Protestant and Catholic children were made with a full knowledge of all that the Master has reported. It is now plain that the executors of Leamy and the Court of Chancery, executing the trusts of Leamy's will, under the wide discretionary powers which Leamy purposely gave them, had in their minds this very difficulty with reference to religious education. They were dealing with what has since become so acute—namely, this denominational difficulty. It cannot be said that you should now step in and supply a deficiency in that Chancery scheme. On the contrary, 60 years ago practically, the executors of Leamy's will, the Court of Chancery, had fully submitted to it by its responsible officer the very danger and difficulty which attends these denominational questions in Ireland. The framers of this scheme were so fully aware of it as you are now. They had it in their minds, and they made this scheme deliberately as executing the trusts of this will. That immensely strengthens our hands in saying that this is not an ordinary case of a Protestant founder leaving a Protestant charity to be executed on denominational principles, but it is a case of a Protestant founder leaving such a charity to Protestant executors to be undenominationally executed, and then those executors, directly having in view this difficulty, deal with it in their own way, and in a way that I venture to think is a very strong measure to disturb.

692. Rev. Dr. MOLLOY.—We are constituted by Parliament for the purpose of extending the usefulness of the endowment; and we find the result of the scheme in Chancery was that the advantages of the endowment failed to reach a large class of those for whom the founder intended it. Is it not our duty to make such changes as will bring the benefits of the endowment within the reach of all who are entitled to share in it?

Mr. Barton.—Of course, that is the view of those who want to break up this endowment, but that does not affect what has been heard for the first time to-day and which makes this case a striking exception to all denominational endowments, that this very question was present to the minds of those who founded the school. Lord Justice FRINGIBSON referred to the Swords School, but there is one striking difference. The Swords School was the result of an agreement between the heads of the two Churches in Dublin. It was fortunate they were able to come together and they facilitated the work of the Commission. But that is very different from a compulsory division like this in cases. This is the direct opposite of the Swords case. There there was a complete rapprochement between the two opposing parties; here it is exactly opposite—strong opposition between the two parties.

693. Judge O'BRIEN.—Do I understand that the general scope of your argument is that there shall be no interference with the Schools?

Mr. Barton.—Yes, that there shall be no division of the endowment. We object to that principle. Dean Bunbury and others put forward that from the first. I shall also submit that the principle of division put forward in the Scheme is not a proper principle.

I don't know what principle was applied to the Royal Schools Scheme. I know that there was a great deal of mutual arrangement about it. But certainly if this Scheme is to be confirmed, it is not a case like the Swords case, for it is a compulsory division is insisted.

694. Lord Justice FRINGIBSON.—The principle of the Royal Schools Scheme was not arrived at by agreement. The Commissioners, in the first instance, proposed to divide the value of the buildings, and about half the money, equally between the Protestants and Roman Catholics, giving roughly about one-third of the endowment of each district to each denomination. Our original proposal was that the remaining one-third should be automatically divided in proportion to the efficiency of the schools throughout all the Royal School districts. The Privy Council struck that out, and made us divide each endowment separately half-and-half.

Rev. Dr. MOLLOY.—On the ground that the Protestant and Catholic population were about equally divided.

695. Lord Justice FRINGIBSON.—For the Porters buildings we were offered by the War Office £7,000 in cash. We thought it rather impudent, having regard to the size of the buildings, for either party to take them, and that the money would be more useful, but when the Protestants said they would keep the buildings, we gave them the right of pre-emption, at the War Office price. The Privy Council allowed £2,500 of the price to be charged against the Protestant share of the fund if they raised £1,000, but the general principle was "half-and-half." I don't think the Royal Schools have much bearing on Leamy's case, for there we had large sums of public money to deal with; here we have not a sum sufficient in itself to maintain two schools.

Mr. Barton.—Swords was not a case of compulsory division, and I don't think the Royal School was. Not only is this a compulsory division in justice of this charity, but the Protestants were entitled to the undivided enjoyment of the whole benefits of this charity; that was the intention of Leamy, and of the Scheme.

696. Judge O'BRIEN.—To a common enjoyment?

Mr. Barton.—Yes, to a common enjoyment of the whole.

697. Lord Justice FRINGIBSON.—They were joint tenants, or tenants in common of undivided moiety.

Mr. Barton.—To the whole benefit of that £12,000 we were entitled, and have been up to this, but the effect of this Scheme would be to render us entitled only to the benefit of a fraction, and to deprive us of the benefit of the whole.

698. Rev. Dr. MOLLOY.—There at least you have an exact parallel in the Swords case. The Protestants in Swords were entitled to a common enjoyment of the whole Endowment, and we divided it between them. You say that was not compulsory. It was compulsory in exactly the same sense as the present Scheme; that is to say, we treated a Scheme in which we made a division, and the parties interested came before us, and on consideration, after certain modifications, they thought it best to accept the Scheme as it was proposed, and perhaps your friends would do well if they took example from the wise course of the Protestant party in Swords.

Mr. Barton.—That is a very sanguine view. There there was a complete consent at whatever stage it came.

699. Rev. Dr. MOLLOY.—It came at this stage exactly at which we are now arrived; and it is in your power to give a similar consent.

Judge O'BRIEN.—This is not a new precedent or act at all. Many instances have occurred where the same course has been taken of dividing a fund given for the common education of Catholic and Protestant. In the case of Ann Hall's Charity, in Roscommon, a considerable sum left for all parties was divided between two. Here you have been trying now for 60 years to bring the Catholic home to the water and he won't drink.

Lord Justice FRINGIBSON.—The division of Ann

Hall's Charity was made by the Commissioners of Charitable Donations and Bequests.

700. Dr. TRAILL.—Would your clients be satisfied to have the Swords Scheme, so far as the principle, adopted here, to provide you with buildings and a salary for teachers. Because that was the essence of the Swords Scheme.

Mr. Barton.—I think I will show you that the effect of this Scheme so far from promoting the usefulness of this institution will be to destroy it.

701. Judge O'BRIEN.—You ought to be apprised that the principle of population on which Dr. O'Dwyer relied was departed from in the Swords case, on the principle that the minority ought to receive a sum, not correlative to the population, but such as would enable them to carry on an efficient institution for education.

Mr. Barton.—I should strenuously object to the principle of population as absolutely absurd. Applying the census of 1881 to the intention of Leamy is of all principles the one which last should be applied to the execution of a Scheme such as this. It may be quite right to apply the principle in future matters or in legislation, but why should it affect the position of a charity, the executors of which, under the powers given by the testator, had this very aid in view, and framed this scheme in reference to it.

702. Lord Justice FRANKLIN.—Let me say that I have been doing all I possibly could in a small way, and so has the Commission, to have something done by which the whole of this matter could be settled in an hour. There are 200 Protestant children in the Model School, which is large enough to hold 550, and there are 100 Protestant children in Leamy's building which would hold 400. These two buildings would satisfy the demands of both sides, if we could give one to each. We waited a long time in hopes that we might be enabled in some way to use the Model School towards the solution, but having failed we are now obliged to do the best we can with Leamy's School alone.

Dean BUNBURY.—I am accused of having said that this building would hold 400. I never said so.

105. Lord Justice FRANKLIN.—Here is your evidence—

389. Lord Justice FRANKLIN.—I should say each of the four school-rooms would hold 100?—About 100.

Lord Justice NISSE.—I see the Rev. Benjamin Jacob stated there was accommodation for 300.

379. Rev. Dr. MONAGHAN.—At all events there are four school-rooms, and each of these would fairly accommodate 100 pupils?—At least.

Mr. Barton.—I don't think the measurements of these rooms are a ground for decision.

704. Lord Justice FRANKLIN.—They are not, except that Leamy's school building is not at present fully used.

Mr. Barton.—The question of how this scheme is to be made cannot be decided on the measurement of a room, or whether it would hold a particular number. What is the effect of permitting any body of men to divert a sum of money from an endowment like this under these circumstances. The effect is that until the Roman Catholics declined to go to the school they were only entitled to what we were entitled to, namely, the undivided benefits of the whole endowment, but because they choose to say "we won't go," they become entitled to £8,000 in their pocket, which they become entitled to only because they say "we refuse to take any part in these matters in which we have free liberty to do so or not." If they refuse the Commissioners should not say to them:—"Rightly or wrongly, conscientiously from your point of view, you refuse to take part in this endowment, and therefore we give you £8,000." I say, rather you should say to them, "You refuse to take part in this endowment of Leamy's, framed as it was in reference these views of yours. Very well, we will see that this school is efficiently maintained, and if afterwards there is any balance then we won't decline to give you that." But

to say that persons who put forward a conscientious objection thereby entitle themselves to a large sum of money, to which they would not be entitled if they did not put forward that objection, is a startling way of handing over money, and an easy way of making it.

705. Rev. Dr. MONAGHAN.—Previous to that prohibition, according to the statements made by the trustees, it appears the greatest proportion of Catholics they ever succeeded in attracting to the school was 25 per cent., that is to say there was one Catholic who received the benefit of this endowment for three Protestants. Now, the proportion of Catholics to Protestants in Limerick is about 8 to 1, and therefore the proportion in which they were entitled to receive education was in the proportion of 24 to 3, and the proportion they actually received was 1 to 3; therefore it appeared to us, or it appeared to me, that the trustees had failed, or the scheme they were administering, to bring home Leamy's endowment to the great body of the population of Limerick, and a change was necessary, and, having made inquiries, we came to the conclusion that the only change which would be effective was to divide the endowment.

Mr. Barton.—But that is no answer to what I said is the effect of dividing educational endowments when a person or body of persons cease forward on conscientious grounds and refuse to take part in them. It enables men to entitle themselves to a large sum of money to one penny of which, otherwise, they would not be entitled, except in joint enjoyment with other people. I object to this division on all these grounds, because we had an undivided share, because it is compulsory, because this is not legislation in the future but a dealing with the past, because this trust and will, and the execution of it, contemplated this very matter, and because this principle of dividing it enables the Roman Catholics to gain a large sum of money simply by putting forward a conscientious objection, a thing which in law or equity should not be sanctioned. But I next, and also, object to the mode of division. Lord Justice FRANKLIN made several observations as to what ought to be taken into consideration. He said you should take into consideration the founder's religion, that has nothing to do with population.

706. Judge O'BRIEN.—Suppose that Sir Edward Guinness left one million for the poor, are you to take into consideration the religion of the donor in administering the trust?

Mr. Barton.—I am quite certain if he did he would frame his trust in the most well considered way, and there would be no difficulty about it.

707. Judge O'BRIEN.—Here where you find no reference to religion in the trust itself, where is the authority or reason for trying back on the religion of the donor? Protestants have shown great benevolence towards the whole community without any distinction in the objects of it. The greatest endowments in this country come from them, and are confined to no denomination.

Mr. Barton.—Take Hevey's endowment referred to by Dr. TRAILL. There there was an endowment by a Catholic founder with Catholic trustees, and the words were most clearly un denominational, "provided that no difference of religion shall be a ground or reason for excluding any child." There was no suggestion that any Protestant should get any part of it, and probably it never occurred to them to ask it, the thing was allowed to stay as it was, and I think it bears on this case where you have a Protestant founder and Protestant trustees. Then there is another matter which Lord Justice FRANKLIN said he thought that the people who were in possession ought to be left in possession.

708. Lord Justice FRANKLIN.—I said possession ought to be taken into account.

Mr. Barton.—And then he added that they should be left with a share sufficient to enable them to maintain the institution.

709. Lord Justice FRANKLIN.—I did not say to

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Darius F.
Barton, &c

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Dawson F.
Barton, &c.

maintain the existing school, but to give them as efficient teaching as the others. I have already said several times that this fund is not big enough to maintain even one school out and out for either side.

Mr. Barton.—I will show that the proposal to give this building to the Protestants with £2,000 is illusory.

710. Rev. Dr. MOLLOY.—That is just what I say.

Mr. Barton.—And the scheme means they are not to take it. "We offer it to you on such terms that it would starve you out, not in a year, but in a month. You could not pay the wages of a single teacher, and we offer it to you on terms which make it impossible for you to take it."

711. Judge O'BRIEN.—We offer you two alternatives, of which one is a great deal better than the other.

Mr. Barton.—Is this a serious alternative or not?—we are offered the building and £2,000, there is £40 rent, there are repairs, and the effect is that you, who are to increase the usefulness of this institution, say, "Take this building and extend its usefulness by not having a single penny to pay a solitary teacher!" Where are we to get the money? Can we bring in a headmaster or a solitary assistant teacher? Have we money even to pay a person to sweep the house? Were they to attempt to deal with this school on these terms, they would become bankrupt.

712. Rev. Dr. MOLLOY.—You have fallen into a very common mistake. You suppose the object of our Act is to increase the usefulness of an institution; it is not that, it is to extend the usefulness of the endowment. What we consider is, that the endowment has hitherto been confined to a small section of those for whom it was intended. I quite agree with you in the general tenor of your argument. I think you have proved that we ought not to give the buildings to you.

Judge O'BRIEN.—There did reach the Commissioners a very positive and distinct expression of opinion from those whom you represent that they did wish to retain the buildings.

Mr. Barton.—And Dr. Molloy, who cleverly suggested that I was offering arguments why we should not get the buildings, is not justified in that.

713. Lord Justice FRIGGON.—When Porters had the whole endowment of £1,800 a year, it failed and became empty. When the endowment was divided, *prima facie* those who could not maintain it with the whole endowment were not likely to maintain it with half. Yet the Protestants of Enniskillen said: "We want to keep these buildings on account of the prestige attaching to them. Give them to us, and we will fill them." So here, nobody would advise the Protestants of Limerick to take the Leamy buildings and try to keep them up with half the Leamy endowment. If they take them at all, they must do what the Enniskillen people have done. They have already engaged the most successful Protestant schoolmaster in all Ireland, and he is leaving Tipperary School, which is full, to go to Porters, which is empty, notwithstanding that it has lost half its endowment. If the Limerick Protestants take these buildings, they should take them voluntarily, having counted the cost; and if they are not able to maintain a school in them and to fill them, then they should take the £4,000. The real question is whether £4,000 is enough to enable you to educate the Protestant poor of Limerick equally well with the Roman Catholic poor, either by aiding another institution, or building a schoolhouse for £1,000 and endowing it with £3,000. I don't think this can be fairly put as a sham offer.

Mr. Barton.—I don't mean in intention a sham.

714. Lord Justice FRIGGON.—Or in effect either. If the Protestants of Limerick can fill Leamy's buildings, let them take them, and I, for one, think that, being in possession, and it being Protestant money, they have the first call. Any school that will fill Leamy's buildings will be self-supporting, or, if a poor school, will be entitled to large State support. But if the Protestants really want a much smaller school, let them point out whether the

other alternative of taking £4,000 is not such as will enable them to do what Leamy intended—namely, teach the Protestant poor.

Mr. Barton.—It cannot be suggested that Leamy's School, like Porters, can attract paying pupils.

715. Lord Justice FRIGGON.—A body of evidence has been given to us that Leamy's School is wanted as an intermediate school for the middle classes of Limerick, who are bound to pay for their education, none the less because in that school education may be given to some poorer Protestants free.

Mr. Barton.—There are some pupils who cannot be called poor there, but the whole of the endowment from them is £40 a year, which goes to the schoolmaster. The purport of this scheme is to suggest that the people who are there should remain. But it does not enable them to do so, and although not in intention a sham, it is absolutely illusory. The Protestants could not remain there a week. I venture to submit that, in preference to the population of the district or the measurements of the room, the matter which should be considered in the division of an endowment such as this, if it is to be divided at all, is the history of the institution itself, the means by which it is maintained, and the people who have used it. From the very start to the present day the persons by whom it is maintained and used are the Protestants, and the persons by whom it has been discarded, and who took no interest in it until they saw a chance of taking a large sum of money out of it and destroying it, are the Catholics. I submit that the fact that at the most only 25 per cent. of the Roman Catholics used it, and at present only eight or nine use it, is a matter that ought to be considered. You may put it down to conscientious objections; you may use any sophistry to account for the history; but give me the facts as they are, and I find that it is by the Protestants it has been maintained, and, as far as it has any use, it has been rendered useful by the Protestants. Leamy's wishes have been perpetuated, and Leamy's objects and intentions have been preserved by the Protestants alone.

716. Lord Justice FRIGGON.—By that argument, if the facts supported it, I should be greatly impressed. But in 1859 the Commission, of which Bishop O'Connell was a member, reported that there was accommodation for 500 pupils, that the average attendance during the year was 48, on the roll 77; and here is the report—"State of education—very unsatisfactory. Establishment ill-governed and inefficient." Between that date and 1874, when it was re-opened, it had completely failed, and had been shut up for a number of years; so I fear the Protestants can't claim much credit for carrying out Leamy's intentions. If we had some here, not to find it as it is now, a school giving good instruction to 100 pupils, but to find it as it was in 1859 or in 1873, what would you say?

717. Judge O'BRIEN.—Supposing your argument be applied, not to prevent the Commission from interfering with it at all, but upon the assumption or basis of a division, and if you do not take Dr. O'Dwyer's test, the relative population of Catholics and Protestants, and do not take, on the other hand, the record of attendance at the school, as the basis of division, will you inform me, as a means of guiding my own discretion, how you can translate the question of history or the Protestantation of Leamy into figures in making the division?

Mr. Barton.—Those are all arbitrary matters, which a Commission of this kind, composed of men of the highest intelligence and knowledge, might apply to the division.

718. Judge O'BRIEN.—I would agree with you as to population if you could show me that a higher ratio of the Protestant population than the actual numerical population of Catholics to Protestants attend school as a matter of fact.

Mr. Barton.—When we are dealing with a particular endowment in 1890, it seems to me a very vague and uncertain way of dealing with it to go to

the population of the district, and the measurements of the room, and these other circumstances, and to omit the one thing that has real reference to that endowment, namely, the history of it. If at a certain time it was down and very much neglected the Roman Catholics did nothing to prevent that, they cannot claim any special merit on their part on that account; but so far as it has been a useful institution and has attained any educational ends, it has been by Protestant management and by having a majority of Protestant pupils, and that is a very large circumstance to be considered.

718. Rev. Dr. MOLLOY.—I think the history of the endowment is entirely against you. You have shown that for about thirty years the Protestants have had almost exclusive possession of it, and during that time it has not been successful. Is it not true that the Catholics should now get their turn?

Mr. BARTON.—I don't at all agree with that. We object to any division at all. As far as we know under this Commission, there is no precedent for a compulsory division of an undenominational endowment such as this is, with reference to its history and its foundation. We say this principle of allowing any body of men to walk off with a large sum of money on the ground that they have themselves declined to take what they were entitled to, on any ground however high or conscientious, is a system which does the greatest injustice to Protestants, and has no foundation in law. If there is to be a division, against which we respectfully protest, we ask that we should be given the buildings with sufficient to maintain them, and the balance should be given to those who declined to avail themselves of the endowment.

719. Rev. Dr. MOLLOY.—What would be sufficient?

Mr. BARTON.—I am not going to name the amount.

721. Judge O'BRIEN.—Do you still adhere to the wish to retain the buildings?

Mr. BARTON.—Those are my instructions.

722. Rev. Dr. MOLLOY.—How can we meet your wishes unless you tell us how much would be sufficient for you?

Mr. BARTON.—You have some guide to it in the teachers' salaries in the schedule to the scheme.

723. Dr. TRAILL.—Has not the £40 a year rent turned up since we were here? It is not mentioned in the scheme.

Lord Justice FITZGERALD.—It was mentioned in the evidence.

724. Dr. TRAILL.—As far as I can recollect what took place in the allocation of the money, that £2,000 was given to the Roman Catholics for buildings over against Leamy's buildings, and it was understood Leamy's buildings were free; that was the impression left on my mind, and I think Professor Dougherty was under the same impression. Also in the possible event of the Protestants refusing the buildings, and the Roman Catholics taking them over, the Protestants

were to get a certain sum of money, and I think the Roman Catholics were to get the buildings free.

725. Rev. Dr. MOLLOY.—The buildings cost £3,500, and we estimated them roughly as worth about £3,000. But I understood your point to be that with these buildings you cannot carry on the school unless we give you also a very large proportion of the money. How much of the money with the school would be fairly satisfactory to you?

Judge O'BRIEN.—He could not give you any opinion on it. I suppose the whole fund would be hardly sufficient.

726. Rev. Dr. MOLLOY.—Then what should we have to give to the other side?

Mr. BARTON.—The other side are only entitled to what is left after those who are willing to use the school have been provided with a school. I have been told that it could not be done for less than £5,000.

727. Rev. Dr. MOLLOY.—In order to provide for the Protestant poor of Limerick, you require the buildings, which are worth £2,000, and an endowment of £5,000. Then we would have only £4,000, without any buildings, to provide for the Catholic poor. Would that be equal justice?

Mr. BARTON.—And if they choose to take that alternative, they are extremely lucky in getting £4,000, and we protest rather against that.

728. Rev. Dr. MOLLOY.—I think they would have a good right to protest.

Mr. BARTON.—Of course; but that is going back on the former argument. We object to the way in which we are charged on the buildings. I don't object so much on the question as to the actual value, but as compared with the mode on which you have already estimated and given credit in the Munster case. You charge us £2,000 for buildings fifty years old, which cost £3,000.

729. Judge O'BRIEN.—I saw the buildings in the interval after the scheme was made, and regretted very much the limit. I consider they are worth £4,000. The buildings are of an imposing character, of great extent and value.

Mr. BARTON.—If it is worth £3,000 or £4,000, fifty years ago it cost £3,500 and it is strange that buildings which cost £10,000 twenty years ago, in addition to seventy acres of land, are only charged against them £3,500.

730. Judge O'BRIEN.—You forget that one is in Barrington-street, and the other two miles down the Shannon.

Rev. Dr. MOLLOY.—Situation is everything in a question of buildings.

Mr. BARTON.—That may be the answer, but we protest against the inequality. We don't think the difference in locality can explain the inequality.

731. Judge O'BRIEN.—The difference in structure and nature and object.

Mr. BARTON.—One is held in fee, and this is subject to £40 rent.

The Most Rev. Dr. O'DWYER.

Lord Justice FITZGERALD (to the Most Rev. Dr. O'Dwyer).—Now, my Lord Bishop, it is your turn. You object to the schemes relating to Canon Gregg and to the Leamy endowment. I don't know whether you wish to say anything about Munster; we have not got any objection from you.

732. Most Rev. Dr. O'Dwyer.—None with regard to Canon Gregg's school. The first point to which I should like to recall your attention is this, that the school was built by monies levied off the ratepayers of the city and county of Limerick, and although the law at that time allowed monies to be levied off the ratepayers for such a purpose, I think it ought to be borne in mind, when the buildings afterwards lapsed from the purpose for which they were erected, and came virtually into the hands of the public, that the people whose money was in them ought to be

considered in any allocation of them. It also has to be remembered that when the grand juries of the county and city of Limerick voted these monies for the erection of a diocesan school, they put in a distinct stipulation about the classical education of Catholic boys that would give the Catholic ratepayers some *quid pro quo* for their money, and that shows, too, that in the original intention of the voters of these funds the Catholics of Limerick were recognised as having a big right. The case comes, then, before your Commission in this way that having been erected for a diocesan school and carried on for a number of years for that purpose, it failed as such from causes with which we have nothing to do, and then it was practically a deserted building. And the question then for you to consider is this—has anything happened since it became so deserted to cast the rights of the

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public of Limerick from the full value of this building for the purpose of general utility? The first thing that occurred in reference to these buildings is that Canon Gregg got possession of them, and in my objection I distinctly stated that in my opinion he got possession in an underhand way. I am still of that opinion, and I think I am in a position from the evidence received by the predecessors of this Commission to demonstrate that. In November, 1874, Mr. Gregg applied to the Commissioners of Education in Dublin to be accepted as a tenant of these schools, and he was engaged in negotiations with them for that purpose. They reasonably would accept such a communication from him as a recognition on his part of their title to set the place to him. In the meanwhile the actual occupant, the last master, died, and his widow remained in possession. At this time there happened to be in Dublin a Rev. Mr. Hackett who was secretary of some Protestant associations in Dublin, and a friend of the Rev. Mr. Gregg, and Mr. Gregg puts himself in communication with this Mr. Hackett. Mr. Hackett was a friend of Mr. Kyle who was secretary of the Commissioners in Dublin, with whom Mr. Gregg was in communication, and Mr. Hackett wrote a letter to Canon Gregg, and he says: "My advice to you is get possession of the building; I have reason to know that if you once get possession of the building you will be all right." Why was he to be all right? Because they found out some way or other that the title was in so complicated a condition that possession would be the proverbial nine points of the law, and if Mr. Gregg got this, by what is now popularly but very well described as "grabbing," it would be impossible for the Commissioners in Dublin to put him out. This advice was given by Mr. Kyle, the official of the man with whom Canon Gregg was treating, underhand and unknown to them, and it was only when it was forced out of Canon Gregg, either by Lord Randolph Churchill or by your Lordship, I forget which of you put the question to him: "What was Mr. Hackett's meaning when he said I have reason to know you will be all right? Who was the person gave him that advice?" It was only then it came out that it was this official in Dublin who taught Mr. Gregg how he would cheat the people for whom he was acting as secretary. Then Canon Gregg goes to Mrs. Hall, and pays her £20 for possession, and then writes an innocent letter to this very Mr. Kyle, resuming negotiations as if nothing had happened, and Mr. Kyle writes an innocent letter to Mr. Gregg, as if for the first time he had heard of Mr. Gregg. I affirm that that was an underhand and disreputable transaction, and I say possession taken in such a way establishes no moral right whatever, and entitles the man who has it to no consideration at the hands of such a Commission as this, but that he should be dealt with with strict legality, that he should get the last shilling to which he is entitled but not a farthing more. So far with regard to Mr. Gregg's title. Then I have a very strong objection to Mr. Gregg's position in this school on account of the purpose to which it was applied. I freely admit that I was unable at the last sitting of the Commission to submit a clear case of proselytising of Catholic children belonging to Catholic parents. I do not like unnecessarily to give offence to anyone; but the Commissioners will allow me to be satisfied under this head by saying that I am not satisfied personally as to the facts of the case. However, we had proved before Lord Randolph Churchill's Commission that Mr. Gregg has been, as it was euphemistically described, "faking in troubled waters," that is, mixed marriages; and we have had it from Mr. Gregg himself that he has had children there who were Catholics before they went there, and there are no children there but Protestants, which simply means that the condition of admission for a Catholic child is the renunciation of his religion. And we have it admitted that if a Catholic guardian goes to

Mr. Gregg with a Catholic child, he would receive such a child, and although he may be legally entitled to take such a child from a legal guardian, I say the establishment in a city such as this of an institution where free education, clothing, and provision for life are held out to the Catholic guardian of a Catholic child as an inducement for the renunciation of that child's religion is proselytism. I believe that it is proselytism, and as the representative of Catholic interests in the city I would be false to my duty if I did not do my best to suppress such an institution. I say this personally, and I may speak for the whole Catholic body in Limerick, that while we desire to live on terms of the greatest friendliness with our Protestant fellow-citizens, while we wish to see them enjoying every privilege, municipal and otherwise, that citizens can enjoy, yet we regard an institution such as that with absolute abhorrence; and I do think that if this Commission is to use its power to perpetuate such a place in Limerick, it will go contrary to the feelings of the vast majority of my fellow-citizens. So far with regard to the principle. With regard to the details, I should like to call attention to Mr. Gregg's own evidence with regard to the value of this place, because I think it is practical. In the evidence of Lord Randolph Churchill's Commission—Question 11,373.—"Lord Randolph Churchill.—You have an endowment to this extent that you have the buildings rent free?—Yes. That is the only endowment if it can be considered one. 11,374. What is the annual value of the premises?—The value of the premises if in good order is one thing, their value when I get them is another. 11,375. What was their value as you got them?—I never went into a calculation as to that. 11,376. Would £80 a year be more than they were worth?—It was decidedly, they would be worth about £30 a year." And yet having the statement of the gentleman himself that they would be worth £30 a year as they stood when he got them, this Commission has undertaken to strike £10 a year off the rent since 1874.

11,377. Judge O'Burns.—No, not to strike £10 off, but to let him keep the £20. There being a contract in this lease to repair, the £20 allowed to be kept to pay for the repairs he was bound to do at his own expense.

Dr. O'Dwyer.—Lord Randolph Churchill asked him:—"Would they be worth £80 a year now?—I dare say they would, because my improvements have made them more valuable."

11,378. Lord Justice Fitzgerald.—On October 22, 1874, that was either before Mr. Hall died, or before Mrs. Hall was out of possession, he wrote to the Commissioners offering £50 a year rent if he got a lease, or £400 to purchase. In his objection he makes an offer to us of £20 a year or £400, so I think you may take it that, unimproved, the place in 1874 was worth £20 a year or £400.

Dr. O'Dwyer.—There is a further point I should call your attention to:—"Would they be worth £60 a year now? he was asked by Lord Randolph Churchill. "I dare say they would, because my improvements have made them more valuable." That is, observe, for the house, because he was asked, "Is the land of any use?—It is of no value, the key is of no use."—"But for building purposes it is valuable."—There is no building in that direction." Whereas, as a matter of fact, since that very time all the plots of ground available for building around the very place have been built upon, and are being built upon at this moment, and every foot of frontage is valuable for building purposes. Now Mr. Gregg admits that soon after 1874, as he had his improvements completed, the annual setting value of the house was £60 a year. He paid no rent from 1874 to 1880, and from 1880 to the present time the £20 a year that he paid has been given back to him for current repairs, so that he has got 5 per cent. interest on his own money that he expended on the £20 a year that they have been allowing him; and he has had this

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£60 a year for nothing all the time. It seems to me about as free and easy a way of dealing with public money as I ever saw. These Commissioners say:—"You laid out £100 on this house; in consideration of that give us £30 a year and we will pay you that back again, and leave you a house for nothing, that you admit is worth £60 a year." So from 1864 to the present day Mr. Gregg has never paid a shilling.

Rev. Canon Gregg.—These are most terrible statements which are not founded on fact. I have here the return from Mr. Fleming of the way the money was laid out. I did not lay out the money. The Commissioners sent down their own architect, Mr. Nicholl, and under his directions the money was laid out. Here are the items:—law costs, £8 3s. 10d.; repairs, £12 18s. 5d.; next year, £25 15s.; next year, £48 10s. 4d. There was no such arrangement between me and them as that we were to "exchange receipts." I paid them to the day the money I owed, and they sent their architect down. The fourth year the item is £1; fifth, £1; in the next year, £43 9s. 8d.; in the next, £30; next, £7 12s. 8d. The total being £171 6s. 1d., including law costs, £179 12s., leaving a balance of £7 4d.

728. Lord Justice FRANKSON.—It is right to say that in the account we took we put down all the expenditure by the Commissioners as well as by Canon Gregg, and then took off £30 a year. £476 15s. 5d. was what Canon Gregg spent himself. Then there is to be added £179 12s. 8d., which they spent, making £656 8s. 1d., but we deducted the full amount of the rent from that.

Judge O'BRIEN.—He has been receiving, undoubtedly, on £400 5 per cent., and at the same time in the possession of a house worth £60 a year in its improved state, all that time for nothing. It is certainly the most extraordinary course of dealing I ever heard of.

729. Lord Justice FRANKSON.—Though the £476 15s. 5d. is expenditure over and above what the Commissioners expended, and does not include the rent, the rent went into the £179 12s. 8d. The result would be that over and above the £476 15s. 5d. there was expended on the premises all the rent except 6s. 4d.

Dr. O'Dwyer.—Has not £30 been the rent since 1860, and ten times that is £300, that does not tally.

730. Lord Justice FRANKSON.—It was nine years in our account.

Rev. Canon Gregg.—The Commissioners left it to me to state the rent; they said they had no power to take rent, nor if they got it could they apply it. I said "the Monaghan people only named £5 a year, but I don't like to make a sham, and I will name £30."

731. Lord Justice FRANKSON.—But no matter how much they named, if they spent it all back again on the premises the result would be the same.

Rev. Canon Gregg.—They did that themselves, and if they did not do it they would have no building.

Mr. Barton.—Canon Gregg did not get back any interest, he paid his rent regularly, and they spent it on the premises; not a farthing came back to him.

732. Lord Justice FRANKSON.—Bishop O'Dwyer contends that the effect of giving Mr. Gregg £476 was to leave him in possession from 1874 without paying any rent except what was spent on the subject matter of the demise in making repairs which he was bound to make at his own expense.

Rev. Canon Gregg.—Does not that show that the state of the buildings was such that they required this outlay.

733. Lord Justice FRANKSON.—But there was the agreement to keep them in good repair.

Mr. Barton.—Which he carried out.

734. Judge O'BRIEN.—Feeling the dog with his own tail.

Rev. Canon Gregg.—I laid out a considerable sum over and above what they laid out, which I had to write out because I could not find the vouchers; for one year all the accounts were lost.

Dr. O'Dwyer.—The most cursory examination of these accounts seems to me to show it to be one of the most ludicrous demands that was ever yet made by

any occupant of a place on account of permanent improvements.

735. Lord Justice FRANKSON.—I stated that the Scheme gave credit for all that he spent, not merely on permanent improvements, but on repairs; rightly or wrongly we did that on account of his having made this expenditure with the knowledge of this public body and in expectation of not being disturbed.

Dr. O'Dwyer.—None of the items will give an idea of the necessity of going into every figure: one of the first of the "permanent improvements" is "sweeping chimney," "car-hire to a man, 5s.; postage of orders, 7d."

Mr. Barton.—It does not purport to be an account of permanent improvements.

Mr. Beauchamp.—There are two schedules, one of outlay on buildings, and the other on furniture.

736. Judge O'BRIEN.—On which do you put the sweeping of the chimney, buildings or furniture?

Dr. O'Dwyer.—I am keeping to the first column headed "buildings." The painting of the gate is down for £1 5s. Will any man say that the painting of his gate is to be allowed for after 50 years? It is all the same style; plumber, £3 2s. 11d., what is that for?—is it the ordinary setting in order of a closet that gets out of repair? Painters' bill in 1877, £40.

737. Lord Justice FRANKSON.—Mr. Beauchamp is right; there are two columns, buildings and the other, which are totted together, making £442 11s. 4d., but then on the next page the carry over is only £294, so that they drop all that is in the second column.

Dr. O'Dwyer.—But I am only quoting the items in the first column.

Mr. Beauchamp.—The sweeping of the chimney is in the second column.

Dr. O'Dwyer.—I withdraw that, but the painters bill is in the first.

Mr. Beauchamp.—Yes, that is the outside painting of the houses.

Dr. O'Dwyer.—Then let us argue that point. Is painting a house thirteen years ago an item to be allowed for. If not there is £40 struck out at once. It is only a loss of time to go over these items. Mr. Gregg should be called upon to give us some authentic information as to the nature of the items which he claims, or if the Commissioners with Mr. Gregg's consent would name a competent architect in Limerick, let him go over the bill.

738. Lord Justice FRANKSON.—Bringing in an architect would be an unnecessary expense. I stated that the draft Scheme allowed him the cost of all the ephemeral repairs, which included the painting; we did that with our eyes open, perhaps being too liberal. If we alter our principle, and give him credit for permanent buildings and improvements only, we can take out the other items quite easily.

Dr. O'Dwyer.—Part of Mr. Gregg's evidence is this return, and I propose that you ask Mr. Gregg—item by item—upon sworn evidence—as to what is permanent and not permanent.

739. Lord Justice FRANKSON.—There is a rule in Chancery that if a man keeps books they may be taken as *prima facie* right. He gave us these items and sent the vouchers, and we treat them as *prima facie* right so far as the fact of the outlay goes. It is not a question of swearing whether painting is permanent, but a question of principle whether he is to be allowed credit for the cost of it.

Dr. O'Dwyer.—I see large bills here for plumbing; how can you tell on the face of it whether that is permanent or not? If a water-pipe gets choked a plumber is sent up and he gets a day's wages; you cannot say that that is permanent.

740. Lord Justice FRANKSON.—The principle on which we have so far gone was to allow him credit for all he spent. If we follow your principle we can call on him to separate the ephemeral items or we can do it ourselves. Up to the present time on the principle on which we went, it was not necessary to do so.

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Dr. O'Dwyer.

Dr. O'Dwyer.—I beg to represent as strenuously as I can that it is most inequitable to allow him for anything but his permanent improvements, and in my view it will become an absolute necessity to investigate these items and get proper evidence that the expenditure has been permanent and not ephemeral. Here is a house built by the nuns, and a Protestant clergyman is in possession of it for sixteen years. It has not cost him one shilling, and it is proposed now to give it to him at a nominal price, and not to allow the people who built it an opportunity of bidding for it at a public auction. If a tenant gives up a town in the country, he will get his permanent improvements and not five shillings in addition; if he asked anything for putting glass in the windows he would be laughed at. But Mr. Gregg, because he happens to keep a philanthropic institution according to his own view can claim compensation for every little fiddle that he got for the last sixteen years, though he paid nothing for the house. This Commission has a right to deal with Mr. Gregg with strict justice. Let him show how much he would be a loser by being put out of that house to-morrow, and let him get that. He will not be a loser by his outlay in maintaining himself as a tenant but he would be a loser by any enhanced value in the house in consequence of the expenditure he made on it when he was in possession. Whatever the enhanced value of that house he is entitled to; and I, for one, though I detect his institution and would do a good deal to put him out, would be sorry to detract one shilling from his compensation.

748. Dr. TRAILL.—Would not all these items be got rid of if he were allowed to buy at a certain figure?

Dr. O'Dwyer.—You will excuse me for asking you another question: how do you propose to ascertain the figure at which he should get it?

749. Dr. TRAILL.—Suppose any figure you like is ascertained—

Dr. O'Dwyer.—The essence of the point is how you would determine the price, except by auction.

750. Dr. TRAILL.—Suppose it was £300?

Dr. O'Dwyer.—I don't care if it was £3,000, but why should it not be £3,000?

751. Dr. TRAILL.—We have this fact that the buildings standing on the ground in a state of ruin would not be worth more than £20 a year.

Dr. O'Dwyer.—We have no such evidence except Mr. Gregg's statement.

752. Dr. TRAILL.—Suppose it was £30?

Dr. O'Dwyer.—But I want to know how you will determine except by public auction, what is the value of the place?

753. Dr. TRAILL.—We have determined it is other ways. I would like to ask this question, it may help to a solution. Suppose that you agreed that he might buy, exercising a right of pre-emption, would your difficulty with regard to this institution be got over, provided we, after giving him a right of pre-emption, were to frame a scheme for the management of this in which a new governing body was put over it which would prevent the possibility of any repetition of the occurrence of which you complain?

Dr. O'Dwyer.—Oh, delighted; if you give me an efficient guarantee that no proselytising in future will be carried on in that place, and that Catholic parents and guardians will not be encouraged to put children in there to change their religion I will change my whole attitude.

754. Dr. TRAILL.—Would you be satisfied if a governing body were made on which we would put a number of other Protestants?

Dr. O'Dwyer.—I am sorry to say that after the statements made here to-day I would not agree to it; but you I would have agreed to it, but I have heard with utter amazement the statement made here to-day that the entire body of Protestants of Limerick with all their clergy are willing to associate themselves in this responsibility.

755. Dr. TRAILL.—But they have added to it that they do not consider this a proselytising institution.

Dr. O'Dwyer.—They have before them the evidence on which the Lord Justice FitzGibbon made his statement as to the character of the institution, and on that statement they have declared that they are ready to associate themselves in that, I am not satisfied with it.

Dean Sarsbury.—Perhaps his lordship would allow me to say a word now, because I don't like that I should lie under an imputation which I really don't think I deserve. I mean say for a long time I did believe that Mr. Gregg's institution was to an extent proselytising, and I did keep aloof from it, but when I heard the evidence that was given here on the last occasion, and when I investigated the circumstances myself I came to the conclusion, and not only did I do so, but the great body of my brother clergymen did so too, that it was not a proselytising institution, and therefore I do now say that I support it. If it was a proselytising institution or I believed that it was in the least degree, I would not support it, but I believe heartily it is not, and—If Dr. O'Dwyer will care for my assurance—I can assure him, as far as I know, that it is not deserving of such an accusation.

756. Dr. TRAILL.—I asked the question with a view of seeing whether the difficulties could be got over.

Dr. O'Dwyer.—I think, to cut the matter short, there is not the possibility of any compromise on principle.

757. Judge O'BRIEN.—The first item in the claim of the Rev. Mr. Gregg for permanent improvements consists of the £20 he paid to Mrs. Hall to get into possession.

Lord Justice FitzGibbon.—I think that is about the best item in the whole lot. It appears that Mrs. Hall, the schoolmaster, was only able to get into the place himself by paying money to some previous person. Mr. Gregg immediately told the Commissioners that he had paid the £20. Even if it was an old servant that was leaving the house, nothing could be more natural than to pay her some money, and getting the possession quietly was an advantage to everyone.

758. Judge O'BRIEN.—It does not meet the argument that he paid that money to put himself into a position that Mr. Haadrett, by collusion with the Secretary of the Commission, advised him to put himself into.

Dr. O'Dwyer.—Mr. Barton objected very strongly to-day to this place being put up to auction. For my part, I see nothing fairer than that. I don't know how on earth you will get the real value of that place better than by putting it up to public auction. It is said persons will go there to bid against Mr. Gregg for the purpose of running up the price on him. As a general rule people don't throw away their money like that, and, supposing they do, the surplus will go into your hands for the promotion of education in the city and county of Limerick, and then, whatever amount it comes to, I presume the Commissioners will make provision for paying Mr. Gregg out of it the last shilling he is entitled to; so that if Mr. Gregg is ousted he will go out of the place with every shilling of his own money, and he will be relieved from the discredit of being in possession of a place that he got into in a disgraceful way. It has been put forward as a meritorious thing on the part of Mr. Gregg that he saved this house from ruin, whereas the fact is there were so many competitors that he had to use particular influence to be allowed to become the purchaser of it, and he stated in his evidence, before Lord Ranelagh Churchill's Commission, that there was one person ready to give £100 for the house, so that £20 that is put down to his credit, should be £80 that he deprived us of, and that would have been paid by another person. However, if you admit the principle, I don't think it is worth while to lose time about these details.

With regard to Leamy's School, I am not in a position to offer you the evidence I thought I could offer about Leamy's religion, and I freely accept your lordship's statement as to the religion in which Leamy died, but I believe the facts are these, on the authority

of one of the oldest citizens of Limerick, Dr. Cane. He was a gentleman whose memory went back to the beginning of this century, and a cautious man in statements of fact. His statement is that Leamy's family and Leamy himself were Catholics. He went away from this country, and was absent for a long time. As many people do who leave this country, he got careless in the matter of religion. His death in some place where there was no Catholic chapel, and on his death bed he was attended by a Protestant clergyman. Those, I believe, are the facts. But as your lordship, I think, has suggested more than once, by the questions you put, that is beside the real question. The real question is—what was Leamy's intention in making the bequest? Did he mean to limit its application to the Protestants of Limerick? Because if the contention that Mr. Barton has put forward is valid, then the Protestants should claim the whole endowment. If Leamy being a Protestant, appointed Protestant executors, in order to secure a Protestant application of this endowment, why don't they ask it all? But the truth is, you have no right to read the word "Protestant" into Leamy's Will. Leamy said "the poor of Ireland, especially the poor of Limerick," and by what right does anyone read "Protestant" into that. Leamy was a Limerick man, and knew the religion that the poor of Limerick professed for the most part, and he left his money to those poor; does not that give you a legal presumption that a large proportion of it should be retained by the Catholics of Limerick? Then if you look to the history of this endowment, we have here a letter to which your Lordship referred, of Mr. Potter, written at the time of the Chancery proceedings, and he referred to the letter written by the executors of Leamy to Mr. Spring Rice, in 1818. Even so far back as that the Catholics of Limerick were complaining of having been ousted from their just share in this endowment, and Mr. Potter quotes that letter to Mr. Spring Rice, in which the executors give the assurance that the legitimate claims of the Catholics of Limerick should be granted, and Mr. Potter explained that faith was not kept with them. In 1874 we have another scheme, and the whole change made in the constitution of the body and the working of the School then, was to try to satisfy the Catholics of Limerick. At this moment it is identically the same thing that is occupying your Commission. From the day the endowment was started to the present hour it has been simply a series of dealings, on the part of the public authorities, with a broken down, failing, dilapidated institution, that could never stand upon its legs because the Catholics of Limerick were excluded from it, and in the interests of a minority of our citizens, the intentions of the testator were being constantly defeated. We have been asked here, I don't know whether seriously, to allow the thing to go on as it has been going. If that were a reasonable proposition, why need this Commission ever have lost all its time over this School; is not the fact that you have to deal with is, that it has been a failure; has it ever been a success? There is a beautiful schoolhouse, richly endowed, it positively had to be shut up for want of scholars. At the present time a quarter of the accommodation is not used, the great bulk of the pupils do not belong at all to the class for which it was intended. In your own report of the general report of the evidence given to you, you state—
"The evidence given before us goes to show that the large majority of the children who attended this School were not the children of the poor." Therefore, the state of facts you have to deal with is that the intentions of the testator have been uniformly defeated by the exclusion of the poor, and of the Catholics of Limerick, and if the School is to be made an efficient one at all, you must make some very radical change in it. Then when you ask the question why has it failed—I don't answer that question, but Dean Bunbury has answered it for us. I called your Lordship's attention to it when you were here last,

and if I were talking for a week I could not give you a better answer—"Because it was a Godless institution, there was no religion taught in it."

Dean Bunbury.—Surely the sense in which I used that word was explained last year to your satisfaction.

759. Dr. O'Dwyer.—The explanation, if I remember, was this, you spoke at two times, giving evidence in a double capacity. In the one case you spoke as a Governor of Leamy's School, in the other as Dean of Limerick, and as Protestant Dean of Limerick you gave your evidence that it was a Godless place, and should be changed, but as Governor of the Leamy Institution you thought it should go on.

Dean Bunbury.—I don't think you convey any meaning.

760. Dr. O'Dwyer.—Here are the Dean's own words:—"You ask me how I can account for there not being more applicants for admission. I think one of the hindrances is that it is a Godless Institution, there is no religious education." There is the evidence of the Protestant Dean of Limerick, and if Dean Bunbury has any explanation to give of that I am quite ready to allow it.

Dean Bunbury.—Kindly read what I said subsequently in that same evidence in explanation.

761. Dr. O'Dwyer.—Read any part you wish, any qualification.

Dean Bunbury.—I will wait until I have an opportunity of replying. I don't think you are doing me justice.

762. Dr. O'Dwyer.—Immediately after that statement of Dean Bunbury's the further question was put to him—

"Dr. Macner.—Do you think it desirable that the Governor should have power to give religious education?—Most certainly; I think there is a great want of it, and that factors prevent."

"That would mean that the school should be denominational?—Most decidedly; I don't think it could work otherwise."

That is my position with regard to Leamy's School. You have it then from the Protestant Dean of Limerick, representing the Protestants, and you have it from me as our joint opinion that Leamy's School cannot work except as a denominational institution, and that being so I think that question ought to be considered as settled, as between the Catholics and Protestants of Limerick, because if it is not there is no finality, and no value in evidence. How can I put a case here if the evidence authoritatively given a few months ago by the Protestant Dean of Limerick is repudiated by his own representative here to-day? I really do think that the Commissioners ought to accept his statement as final; and proceed with the settlement of Leamy's School on that basis. I believe myself that Leamy's endowment cannot be useful in the city of Limerick unless it is divided between Catholics and Protestants, and I think the only practical question is as to the division. Now the first question is with regard to the house. It has to be borne in mind that though it is called Leamy's School, Leamy never built that house. If there was any little sentimental feeling that a Protestant built a house for educational purposes, and if his fellow Protestants said "Don't take away from us a house that one of our own body built for us mostly," I should be very sorry not to respect that demand. But Leamy's School never was built by Leamy; it was built by order of the Court of Chancery in order to give effect to his bequest for the citizens of Limerick, and you have to deal with Leamy's School just as you have to deal with the money, and see what is the most useful application of that to give the poor of Limerick an education. Now I contend that to hand that school over to the Catholic body of Limerick is the most practical thing to carry out Leamy's intentions. Whoever gets that school should be bound to fill it. It seems to me a day-in-the-morning policy to ask possession of a house, which you admit you are not

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able to use, to say "there are rooms there, each of them at least capable of holding 100 pupils, and we seek to get that, and to be allowed to have in it only half filling one of the rooms." On the other hand, if we get Leamy's School the first thing we will do will be to build an addition to it, we will fill the rooms there, and other rooms. I have a Girls National School about back to back with Leamy's, that is in a state of dilapidation that I shall have to give up, and within the next twelve months I shall have to build or provide a school for 400 or 500 pupils within a stone's throw of Leamy's. Is it reasonable to put me under the necessity of spending, say £3,000 of the share that you allocate to the Catholics, for providing a school while there is standing there idle the very accommodation we require? It seems to me foolish. I can see no objection to give us the school, but some sentimental feeling. But that does not arise reasonably, as the school was not built by Leamy. It was erected by the Court of Chancery for the purpose of this endowment, and should be used in the best way for its purpose. Then with regard to the division of the endowment, including money and buildings, I don't think the Protestant body is entitled to one shilling above their proportion either according to the numbers of the population, or the poor, or the school children attending primary schools in the city. I see no other principle. Make the number of Catholics and Protestants the basis of division, or the number of Catholic and Protestant children in the primary schools, or the number of poor Protestants and poor Catholics beyond what they are entitled to on that principle, I don't see why they should get a shilling. I submit that the Swords case is not in point. The school provided for the Protestants in Swords was the only Protestant school in that place. A minimum is perfectly intelligible where there was to be that school or no school. But in Limerick if their share of the endowment is not sufficient to maintain a school it is amply sufficient as a subsidiary supply to render the existing schools more efficient, and if I were in charge of the Protestant institutions in Limerick I would much prefer to apply £100 or £200 to St. Michael's schools within 100 yards at one side, and Villiers' schools within 200 yards at the other side than to attempt to carry on the Leamy

school which will be a failure for want of funds. It is a large house, it will cost a large sum to maintain, and it would be foolish to go in there with the interest on £1,000, £30 a year—that would not keep the roof in order—to have the honour of putting thirty or forty children into one room, and be able to say, "We kept the Catholics out of it." It would be far fairer to say, "We don't want the house, but the Catholics do. We will waive our claim, and let them have it, but if we do we will ask some *quid pro quo* on the distribution of the moneys." And for my part if we are met in any reasonable way I would be glad to go half way that the thing should be settled in a friendly manner. But if we are not met in that way, then before this Commission and everywhere we have a right, and I will try to urge the claims of the Catholic body to the last. Mr. James Quinn has objected to the Roxborough Road school and asks you to hear him.

Dean Sanbury.—Can individuals object?

763. Judge O'Brian.—He certainly cannot do that, but I think Mr. Quinn's name is in one of the Schemes.

Mr. Quinn.—I made an objection in writing to the Roxborough School.

Dean Sanbury.—I am not objecting to his being heard.

Mr. Quinn.—You received my objection and published it.

764. Lord Justice Fitzgerald.—I think it would be better to leave the discussion in the hands of those who come within the Act of Parliament.

Judge O'Brian.—If he has no right to be heard, he ought not to be heard, and in my opinion he has no right to be heard. It is a matter of procedure, and a very necessary rule to maintain. If he has no right to be heard consistently with the duty of a judicial body acting under an Act of Parliament, he ought not to be heard.

765. Rev. Dr. Molloy.—On what school do you wish to speak?

Mr. Quinn.—As regards the Roxborough Road school.

766. Lord Justice Fitzgerald.—The Act allows not less than twenty ratepayers to be heard; as regards Leamy's school in the Scheme you are one of the proposed members of the new governing body.

Very Rev. THOMAS BURNETT, B.D., Dean of Limerick.

Very Rev.
Dean Sanbury.

The Bishop has accused me of giving some inconsistent evidence. He brought this matter forward last year. It is on page 25 of the Minutes of Evidence. The point the Bishop brought against me was that I gave evidence, last October, inconsistent with the position I occupy now. I say "I don't acknowledge that. I thought I made it quite plain last year that I had my own views on the subject of Leamy's, while I was obliged, as representing the governing body, to give expression to their views; and I intended to convey that if I had my own way I would make Leamy's school denominational so far as the Roman Catholics were concerned, but undenominational as regards the Protestant community. That I think is plain, because, as it at present exists, in my mind the word 'godless' was rightly applied to it, for I don't consider that the religious education that is provided in that school under the Chancery Scheme is religious education at all, it is the mere reading of the Scriptures without note or comment. The Roman Catholics in one room read a few books approved of by the Board of Education, and the Protestants read the authorized version without note or comment. I don't think that can be looked upon as a religious education sufficient to fortify young people against the world, and the wiles of it." That is what I said and meant.

767. Dr. O'Dwyer.—I understand the Dean would wish that our share should be given to Catholics exclusively to be used denominationally, and he would wish the Protestant share to be used denominational-

nationally amongst Protestants. It is a matter of indifference to me how the Protestants use it.

Dean Sanbury.—That is not the point at all. Afterwards in further evidence I showed what my meaning was. I pressed on the Commissioners that they were bound to interpret Leamy's will by the Chancery Scheme, and asked the Commissioners were they prepared to upset that Scheme and establish a precedent which might have a serious effect as regards Protestants in this country. If that principle were established I think an application might be made on the same principle to get possession of St. Mary's Cathedral.

Dr. O'Dwyer.—I am sorry to say I don't think it applies.

768. Rev. Dr. Molloy.—You don't in any way withdraw the evidence you gave on the occasion of our first visit, that the school had failed because it was a "godless institution."

Dean Sanbury.—I did not say it failed; I gave that as a reason why I think some people did not attend. On the contrary, I hold it to be a most valuable, useful, and efficient institution.

769. Rev. Dr. Molloy.—There is nothing, I think, in your explanation which withdraws the statements you made on our first visit?

Dean Sanbury.—Whatever I said then, I abide by it. 770. Judge O'Brian.—But you are in error in thinking that the existence of the Chancery Scheme is any restriction on this body. It has been departed from several times even in my short experience.

Dean Busbury.—That is a question that will be discussed hereafter.

771. Judge O'BRIEN.—Yes, you can, according to the popular practice, have a question asked in Parliament.

Dean Busbury.—Oh, no, we have another tribunal to go to.

772. Lord Justice FITZGERALD.—Our powers go beyond Chancery Schemes, and extend even to Acts of Parliament.

Dean Busbury.—I don't think I doubted your power, but I thought it an extraordinary action for Chancery lawyers.

773. Rev. Dr. MOLLOY.—I am glad to have a statement from you that you still adhere to what you said on the occasion of our first visit. Here it is:—

"Do you think it desirable that the Government should have power to give religious education?—Most certainly, I think there is a great want of it, and that deters parents."

Then I said—

"That would mean that the school should be denominational?"

And your answer is—

"Most decidedly, I don't think it could work otherwise."

I understand you don't withdraw that statement, but you put before me the explanation you gave last year in reference to it.

Dean Busbury.—I believe that it is quite possible to give better religious instruction in an undenominational institution than we give there, and that is what I had in view. I don't think the religious instruction given there is at all what it might be under an undenominational board, if they worked harmoniously together.

774. Rev. Dr. MOLLOY.—Then you still abide by the answer given on that occasion?

Dean Busbury.—With that qualification.

775. Judge O'BRIEN.—Do I understand that Mr. Barton represents you on this occasion?

Mr. Barton.—I represent the Dean on the general question, but at the same time I think you would not refuse any assistance from the Dean.

Lord Justice FITZGERALD.—Certainly not; we have no.

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Very Res.
Dean Busbury.

Rev. JAMES F. GREGG, D.D.

776. I wish to say a few words in answer to Dr. O'Dwyer. After hearing your lordship's plain statement of everything I did, and the testimony of my own Bishop, he has repeated that I acted in an unbecoming and fraudulent manner. Your own explanation of every step, in the documents handed to you by the Commissioners, and my Bishop's testimony, completely threw back on him any such statement as that, and leaves him without one particle of foundation for making such a charge. I took no underhand course.

I took every step in strict honesty and open-handedness. In reference to Dr. Kyle, he commenced in November, 1874, he ignored the fact that in April, 1874, I called on Dr. Kyle before anything was done, as the result of the offer Dr. Hall made to me. He ignored the fact that the Commissioners wrote to me in October, 1874, before anything passed between me and Dr. Kyle and Mrs. Hall. Between April and October, I communicated with Dr. Kyle, and he sent me, through the Commissioners, the letter which you have read, and of which I have the original here, showing that there was open dealing on my part, and no underhand dealing at all. I had no communication at this time with Mrs. Hall. I wrote when I knew the way the place was, and I got the communication dated 13th October, 1874, already read. When I found they took no notice of what I told them—that there were several people going to take possession of the place—I was told—"Mrs. Hall is going away. If you don't do it, the place is gone." I hesitated to give Mrs. Hall the money, and so anxious was I not to do anything underhand, I said—"I dare not give you this money until I ascertain would I be safe." I wrote to Mr. Hackett and said—"Ask Dr. Kyle would I be safe in giving money to Mrs. Hall." He saw Dr. Kyle, and he wrote back that I would be safe, and as far as he could gather, instead of doing anything wrong, I would rather get the approval of the Commissioners.

When I went to Dublin I called at the office of the Commissioners. I did not go to Dr. Kyle individually, but to him as the representative of the Commissioners, and I told him what I had done. He said—"I know you are in possession, and I am glad of it, because it would have gone to others who would not acknowledge the Commissioners." When I came back I met the Bishop in the street, and told him what I had done, and he said he would support me at the Board. When it came before the Board I received a letter which I have from the Commissioners, dated 1st February, in which they put the proposal to me, provided I would put the place in repair, and would remain a caretaker for two years, that at the end of the two years they would acknowledge me as tenant.

That was not underhand, that was the public act of the Commissioners. I have a letter here in which I said that was an extraordinary proposal to ask a caretaker to lay out money on a dilapidated building and to be liable at a moment to be turned out. I told our Bishop, and he agreed with me it was a preposterous condition. From that day until 1879 not a word came from the Commissioners to me. Then I received a letter saying—"You were put in as a caretaker." I said—"I never was put in as a caretaker, I simply asked to be in as tenant." It was their own omission. They did not take action themselves. I am not responsible for that. I remained there ready to become tenant at any moment. They never brought the matter forward. When on Lord Randolph's Commission you asked me the question—"Do you dispute the title of the Commissioners?" I said—"No, I only wish to be tenant." I deny I ever disputed the title. I simply wanted to have it acknowledged that I had saved the buildings to be maintained for the purpose of a school, as I have no schoolhouse in St. Laurence's parish. All these things show there is not a particle of foundation for the charge of Bishop O'Dwyer, that I got possession of that building in a fraudulent way. I preserved it for the Commissioners and not for myself. I had your lordship's vindication. It came out distinctly in every document. You have put it so clearly that I don't understand why anyone should stand up and repeat the charge. My own Bishop approved of every step I took, and was present at the Board when this matter was considered, so that all my action was done overhead. In reference now to what has been said about the outlay. Dr. Hall was in possession of that building for twelve years. During that time not a penny was laid out for the preservation of the buildings. Dr. Hall applied, but the Commissioners had no money.

777. Dr. O'Dwyer.—May I make one remark. You stated in all these transactions you acted with the consent and advice of your Bishop.

Canon Gregg.—I mentioned to him every step, and he said he would support me.

778. Dr. O'Dwyer.—You were asked in 1873, by Lord Randolph Churchill, with regard to the proposal you made to the Commissioners:—"Did you consult with anyone in Limerick with regard to that proposal?"—"No." "Did you consult with the Bishop at that time?"—"No, not until after I got possession."

Canon Gregg.—I had no opportunity. The Bishop was away in Kerry, or abroad. As soon as he came back I consulted with him, and if I had not got possession the day I did the place was gone. Now

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to come back to this matter about repairs. When I got possession Dr. Hall was twelve years in it. There was not a bit of paint put on the gates. Painting is absolutely necessary, and although you ridicule the sweeping of chimneys, if you don't sweep your chimneys you will burn your house. I insured the buildings, which I was not bound to do, and here are all the documents and the receipts. I went to the office in Nassau-street, and I was told—"You need only send in the account." I have all the vouchers here.

778. Lord Justice Fitzgerald.—We quite give credit to the fact that each item in the account was honestly paid as it appears in the account, and it would be idle to vouch that over again. The question raised is a question of principle—how far certain items are good credits for you now. Our Secretary looked through the receipts.

Dr. O'Dwyer.—Canon Gregg has asked you to take a note that I omitted all reference to his action before November, 1874. The very first fact to which I referred was Canon Gregg's negotiations with the Commissioners before the death of Mr. Hall, a virtual admission of their right to meet with him for a treaty, and having got them off their guard by that, he subsequently got possession from the widow of Mr. Hall, and that was the first underhand transaction.

779. Lord Justice Fitzgerald.—That going over the whole matter again. We now see from the documents exactly what did happen, and the letters he wrote to the Bishop, as well as to the Commissioners, immediately after he paid the money to Mrs. Hall, show that he told them on the spot that he had paid that money to Mrs. Hall, he did not want to consult them beforehand. There is nothing more unpleasant than a dispute between two clergymen about the propriety of the action of one or the other, and that is beside the question of how far we are now bound to give credit for Canon Gregg's expenditures.

Dr. O'Dwyer.—Allow me to invite your attention to the letter of Mr. Hackett, dated 4th November, 1874, to Mr. Gregg, giving him what, in vulgar parlance, we may call the "straight tip" as to how he was to get the house.

Canon Gregg.—Is not this very unfair! When the place was about passing away, I was applied to to give money to Mrs. Hall.

Dr. O'Dwyer.—And there is this sentence to which I invite particular attention:—"It is my suggestion, you will understand it as from myself, not for a moment associating any one with me in giving this advice, still, I write advisedly." "You received that letter on the 4th November, 1874," said Lord Randolph Churchill. "I received it on the 5th, and as I knew the reliable source referred to was Dr. Kyle," The Secretary of the very Commissioners with whom he had been dealing before, and his name was expressed in that letter; I say that that is the very kernel of the transaction.

781. Dr. TRAILL.—Well, all they did was open enough; it is all in print.

Judge O'BRIEN.—Res ipsa loquitur.

Canon Gregg.—I had been in communication with the Commissioners; but it was in consequence of the offers that had been made, and the danger of the place passing away, that I wrote to Mr. Hackett. I met our Bishop and told him. I wrote up then one letter after another, as you have read, showing it was all done

openly. I don't know that I need say anything further in reference to the entail; but the building was in such a terribly dilapidated state, and as still, that it would require a regular sum of money to keep it at all in preservation. The roof, at present, the architect declares, must be taken off; it is propped up to keep it from falling, and the place is in such a state that no one could have their health in it; there was a sewer there that had not been opened for forty years, that had to be opened. The deed or Act under which it was built obliged them to apply the school-house to no other purpose but as a diocesan school. The Church Act did away with all the diocesan schools, consequently, if that Act is still in force, they were to keep that building for no use at all, and Dr. Hall, after he had compromised, remained living in it, holding no school at all. He made an offer to the Commissioners that if they would sell it and give him half he would be satisfied.

Judge O'BRIEN.—They were not bound to keep it, their course was immediately to apply to the Court of Chancery to relieve them from their responsibility, and not give it to you without any rent at all.

782. Lord Justice Fitzgerald.—I read the opinion which they got that they must either apply to Chancery for a scheme in reference to this and other schools of the same sort, or go to Parliament.

Canon Gregg.—In the opening remarks, your lordship made last year at the inquiry held in this room, you referred to the action of the Commissioners in giving the Waterford School to one community, and that you were wishing to counterbalance that by giving the Limerick Diocesan School to another. We were led by that to suppose that the building given to the Christian Brothers in Waterford was the Diocesan School.

783. Lord Justice Fitzgerald.—The Waterford Scheme which I quoted contained the explicit statement that the school was a Corporation School.

Canon Gregg.—We were led by your lordship into that mistake.

784. Lord Justice Fitzgerald.—I don't think you were misled by me. Your objection quotes another member of the Commission, who ought to have known all about it.

Canon Gregg.—It appeared in the press, and I heard your lordship myself, and it appeared to me that you were balancing one school against another. The only other matter is that I am dealt with in a different way from the way in which the other endowments in the city are dealt with. If you put me up to auction you have a right to put the Leamy and Munger schools up to auction. But if you don't do that, why do you turn round on me and put up the place to an auction, which, I tell you, will not be according to the value of it, but according to the power of each party to see who will give the most for it. It won't be the value of the place that will be sold, but you will be creating wholesale animosity in this place by putting it up to auction. Let anyone go to an auction room where that will be put up, and they will soon see that you are creating religious animosities and prejudices, and you are selling it in order to see which party has the longest purse, or will be willing to sacrifice most money for purchasing tumble-down places.

DUNDAS P. BARTON, Q.C.

Mr. Barton.

Mr. Barton.—After the observations of the Dean and Canon Gregg, there is very little I have to say. I won't deal with what the Bishop said about Mr. Gregg personally; it is a very unpleasant subject; it is very regrettable that it should have arisen; but I leave that subject, simply accepting your lordship's judgment, upon a calm reading of all the documents by which your lordship acquired Mr. Gregg of say

impropriety, or of anything underhand in that matter.

785. Judge O'BRIEN.—As that involves an imputation on Dr. O'Dwyer, you must confine the judgment you accept to that of the Lord Justice, because I do not concur in that. I concur in the statement of Dr. O'Dwyer, and consider it my duty to say so.

Mr. Barton.—Throughout the whole of this trans-

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action it appears to me that your lordships have dealt with Mr. Gregg as if he was a man making some profit out of this school. It is said that he should be treated as a tenant who, having worked a farm, gets compensation for permanent improvements; that this gentleman who, on the faith of the action of a public body, expended this money out of his own pocket, never made one penny profit, but devoted his life and his purse to the work which he conscientiously believed in good work and not blemished by the faults suggested, that he is to be treated in this scurrily manner, contesting every item in the accounts which this gentleman has expended for the preservation of that building and the preservation of health. Were these children to be admitted to typhoid fever, to unhealthy influences? Were they to have no food? Were the chimneys not to be swept? Is he to be treated as if he was a person who for his own private profit was managing some business? Very differently we have treated the expenditure at Mungret, we have asked for no accounts or details, we have not suggested that credit has been wrongfully taken. And I do suggest that at the bottom of all this inquiry about accounts he is treated as if he were all this time conducting some business in reference to which his profits should be closely scrutinised, instead of being a man who devoted his private means to a public work under the sanction of a public body. "How," said the Bishop, "are you to determine the value of this save by public auction, you cannot go by prevention?" I say how is the value of anything in our courts of justice or before public bodies ascertained. It is never suggested that you should go to a public auction to ascertain the value, but by expert evidence, by the evidence of valuers, by the information at your disposal, by all these ways you can gain the value. And Canon Gregg says, "Put any price you like but give me the same fair treatment you give to others, give me this right of prevention"; and don't stamp him with a stigma not justified by any evidence.

784. Judge O'BRYEN.—What would you say to the question discussed at such length by the Bishop, Dr. O'Dwyer, in reference to the Lenny premises not being retained by the Protestant community?

Mr. Barton.—The Bishop says, "You have got your schools near at hand, and can send your Protestants there." I am told by the Dean that our schools are quite full, and that is the answer which he gives to the suggestion.

785. Lord Justice FRYGROVER.—We anticipated that, and the scheme in the alternative sets apart £1,000 as a building fund.

Mr. Barton.—With reference to that I would not trespass on your attention by repeating what I said, that we rely on the principle that we are in occupation, we have always observed the trusts, and if the Roman Catholics claim to receive a part of this endowment, let them do so as a consequence of their own action, and if they refuse to take part in this endowment, let them accept whatever residue is left after reducing the present occupation upon the old principles capable of being maintained in a fair and reasonable manner. With reference to the mode of division, protesting always against any division, what we say is, "Leave us there," and not with a share which would hardly pay the rent and repairs, but with what would support the school in a reasonable manner. The Bishop said that he would be glad to meet on any half way, but the only indication of that is his own suggestion in his objection that the whole of the endowment being worth £12,000, the Protestant body are entitled as the outside to £1,500, and the rest, £10,500, should be given to the Roman Catholics. In the face of that it does strike me as rather startling that we should be reproached with not having met the Bishop half way. And I can only say in conclusion that it is a most dangerous principle and most far-reaching that endowments of this kind should be submitted to the principle of division by population, and that that should be said in any way to be fair. It

might be applied to Trinity College or to any institution open to all denominations, that because of conscientious or any other objection, one denomination refuses to enter. Apply it in future, to those who have notice of it, in fresh legislation; but it ought not to be applied in the present case, and by sanctioning it here you are applying a principle which is very far-reaching, and which is unjust and inequitable.

788. Lord Justice FRYGROVER.—Do you wish to say anything with reference to Mr. Head's case?

Mr. Barton.—That is very simple, your lordship sees the attitude of the Protestants in this matter. The history of the institution is a very strange one. Created in a famine fund, then an agricultural trust, it finally finds itself devoted to a Jewish school. Originally undenominational, it is now entirely denominational, and in other respects it presents a striking contrast to the history and principles applied in the other cases. But the only point we raise on that is, that this £2,500 is a striking contrast to the way in which the money is calculated in our case. It is said in the recital of your scheme that £7,500 was the amount which these buildings cost, that appears to be a mistake. In the evidence—pages 372 and 373—of the Primary Education Commissioners' Report it appears that £7,584 was the amount expended on the school buildings, but on the following page it appears that on the farm buildings, independent of the residence and school buildings, £3,367 was expended; they are very good buildings and more than amply sufficient for the purpose; and they were erected for public purposes, that makes altogether £10,950.

789. Rev. Dr. MOLLOY.—Our statement is, that the buildings, including school-rooms and a farm-stead, were erected "partly by means of the above-mentioned trust fund, and partly by moneys provided by Parliament at a cost of about £7,500." That is taken from the Report of the Endowed Schools Commission of 1878-80, page 211.

Mr. Barton.—What appears by this report is that £7,500 was the cost of the house, and £3,500 more for the farm buildings, so that with £1,000 for the land, makes £11,500 expended. I would call your attention to the words of the Scheme which follow the Act of Parliament. "It has appeared to the Commissioners, that in order to extend the usefulness of so much of the said endowment as is derived from public sources." What has been derived from public sources is substantially £11,500. These buildings are only twenty years old, and £11,500, devoted to a special public trust of an undenominational character, is now being handed over for £3,500 to a purely denominational body. It is quite apart from the money since expended by the Jesuits, about which we made no inquiry, and raised no point, and offered no suggestion. But we do think that £11,500 of public money, 70 acres of land, and all these buildings, going to be handed over for £3,500, offers a striking contrast to the debit of £2,000 against the Lenny Protestant Board, for buildings which, 50 years ago, cost £3,500. We object to the principle.

790. Judge O'BRYEN.—The proposition is very violent, but do you suggest if put up to auction it would produce a greater sum than the estimated value put on by the Commissioners. Suppose you sold a church would it produce the full value at an auction. Money is very often expended in the most lavish manner upon objects which are not supposed to realise the money expended on them.

Mr. Barton.—But presumably money expended by Parliament—

791. Judge O'BRYEN.—You have a good many abandoned places on the Shannon on which Parliament expended large sums of money, and what is the history of them?

Lord Justice FRYGROVER.—This money was expended for the purpose of Mungret Agricultural

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College, and the lease was surrendered. I do not say the surrender prevents it from retaining its public character, but having spent the money for that purpose, the National Board surrendered it to the trustees, and the trustees had it on their hands, with all this money spent on it, and none of it spent by themselves.

732. Rev. Dr. MOLLOY.—Is there any other way in which we could realise for public purposes as much as £2,500 out of Mangrove?

Lord Justice FITZGERALD.—Or in which we can use it, with justice to the lessees, in any other way than that which we propose?

Mr. Barton.—That might go to the extent of their having to pay nothing at all.

733. Lord Justice FITZGERALD.—If we had applied the same principle as in the Blackborough-road case they would get it for nothing, but we thought it was not just to give it, because they took this place with notice of the public trust, which their lease bound them to carry out.

Rev. Dr. MOLLOY.—We are resending the public fund to the extent of £2,500, which could not be got in any other way.

Dean Burnaby.—Supposing you get an offer of £5,000.

734. Rev. Dr. MOLLOY.—The Jesuits would have a charge on that to the extent of £13,000.

Lord Justice FITZGERALD.—On the faith of their lease they have expended £15,000, that is the difficulty we are in.

Dean Burnaby.—I am not in opposition to this.

735. Lord Justice FITZGERALD.—We told the valuator to assume that there was not a single stone put there by the Jesuits, and to tell us what the place was worth in the market on the day they got it. We cannot take away their buildings, but if we could take them on a cart to Mount Shannon, or anywhere else, the public property would be what the place would produce to-morrow without the Jesuits' buildings. If it would produce more than £2,500 we have not allowed enough, and if less, we are charging them too much.

WILLIAM WILSON MERCEY examined, having been sworn on a previous occasion.

736. Lord Justice FITZGERALD.—How long have you been head master of Leamy's?—Six and a half years.

737. And what were the terms on which you were engaged?—£100 a year.

738. Besides that salary do you get any other emoluments?—Residence with coal and light.

739. Do you get any profits from the fees of the pupils?—At the end of the year for each boy who has attended for half a year I get £1 capitation fee.

740. In addition to that, do you get any results fees from public examinations?—I get the whole of the Intermediate results fees, they are not very much.

SAMUEL MOORE examined.

741. Lord Justice FITZGERALD.—What are your emoluments?—My present salary is £40, I am allowed only £40 in the Scheme, and I get a quarter of what the head master receives as capitation fees.

742. In money altogether how much do you

Rev. Dr. MOLLOY.—In order to realise £2,500 out of it, it would be necessary that it should fetch now £15,500, when put up to public auction.

Lord Justice FITZGERALD.—On Mr. Gregg's principle.

736. Rev. Dr. MOLLOY.—The first thing would be to deduct from the selling price what the present lessees have expended on it.

Mr. Barton.—Then the effect of that would be that by the course of procedure £5,000 or £9,000 has been withdrawn from public purposes?

737. Lord Justice FITZGERALD.—Not withdrawn, they have a lease which is a good lease, only so long as they carry out its trusts. If they open an Intermediate school to boys of all religious denominations, with agricultural teaching, they cannot be disturbed because they are lessees for 500 years. But what is lingering over them is their inconvenient and impracticable trust. We cannot assume that if their £1,500 was to be perilled, they would not at once comply with the lease.

Rev. Dr. MOLLOY.—The early history of this institution shows that when the £10,000 to which you refer was expended upon it by the National Board out of public funds, the institution failed as an agricultural school, and the National Board not being able to find any person to take the place, was obliged to give up.

Mr. Barton.—It was unsuccessful in that case, but if they tried again it may be managed another way. There are many points we might raise with reference to Mangrove School, the lease itself vests a power of giving it, and it appears there was no such power. The trusts have not been observed, and the expenditure might be scrutinised, we are raising no points of that kind. We only ask that the institution should be treated on the same way and principles as ours, and it is an extraordinary thing that we after fifty years are charged £2,000 for buildings which fifty years ago cost £3,500, and that in their case £11,000 of public money is to be represented by £2,500.

803. Can you tell me your emoluments in money numbered?—The Income Tax Commissioners reckon the premises worth £40 to me, I only put it down as £26.

804. At what do they assess your income?—£300, including the £40.

805. What is your tenure?—By a written agreement.

806. Have you it here?—No.

807. What are the terms?—They can disperse with my services on three months notice or by three months pay.

SAMUEL MOORE examined.

get?—The position is certainly worth about £100 a year.

810. Have you a residence in the building?—I have.

811. Any tuition, or coal or light?—I have everything the head master has; there are private tuitions.

WILLIAM WILSON MERCEY further examined.

812. (To Mr. Mercer.)—Miss Mercer is your sister?—Yes.

813. Are you a graduate?—I am a senior sophister in Trinity College.

Mr. Moore.—I am in Trinity College, too.

814. Lord Justice FITZGERALD.—How far have you got?

Mr. Moore.—Into the Senior Freshman year.

815. Are you on the same terms as Mr. Mercer?—I am under worse terms; I am under a month's notice.

Mr. Moore.—He was originally under the same but he asked to be let down to a month.

816. Lord Justice FITZGERALD.—Now Miss Mercer, the head mistress?

Mr. Moore.—She has a standing salary of £50 and 10s. capitation fees, she makes it up herself as being worth £100 a year, allowing £26 for the residence, coal and light.

817. She I suppose is on the same terms with you, as regards tenure?—Yes.

818. Miss Harrold and Miss Croston?—They have no residence. Miss Harrold's salary is £26 on the endowment since 1885.

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819. How long has she been there?—Ten or twelve years. She was there before my sister.

820. How long is your sister there?—Sixteen and a half years. Eleven years she has been head mistress.

821. Miss Harvold writes—

"My annual salary was £26, and not £20, as stated in the schedule of voted interests. I am fifteen years assistant mistress."

—She also gets capitation fees. Here amount to about £16.

822. Now Miss Croston?—She has £18 a year at present.

823. Have you any suggestion as to what you would consider the fair method of dealing with your school?—I would prefer to be left as I am than to take £300.

824. You know that if your post for any reason were put an end to you would be bound to work as before?—When I came to the school, the school was very low, and I have given the six best years of my life to it, I dropped the Trinity College course altogether.

825. Judge O'Brian.—How old are you?—Thirty-one.

826. Lord Justice FitzGibbon.—Is your sister older than you?—Yes.

Dr. O'Dwyer.—For my part, I should have no objection when you come to deal with the teachers, if you deal more liberally with them than you propose to do in your scheme.

827. Lord Justice FitzGibbon.—I mentioned this morning, speaking for myself, that their incomes seemed analogous to that of the assistant-masters of the Royal Schools.

Dr. O'Dwyer.—It would be quite fair to treat them as, because they would be taken rather short.

828. Lord Justice FitzGibbon.—But, if Leamy's School was continued by the Protestant Board, although they would be under a different Board, they would still have employment.

Mr. Moore.—Some of us, perhaps, would not accept a position under a different Board.

829. Lord Justice FitzGibbon.—That has all to be taken into account.

Mr. Moore.—I could add my testimony about the numbers in the schoolrooms. A school room as it is proposed to establish, a better class school, where primary education would be unimportant, would want all the accommodation we have for so many pupils. At present there are 100 pupils. The assistant master

and myself teach in our room. It is only that we have no furniture in the lower room that we don't go downstairs.

830. Lord Justice FitzGibbon.—Is a building divided into four large schoolrooms a suitable building for such a school?

Mr. Moore.—It would be necessary if you establish a school of the kind you suggest in the draft scheme, to break up the lower schoolroom into a number of class rooms.

831. Rev. Dr. Molloy.—Our scheme does not suggest a school for the middle class, but for the poorer class.

Mr. Moore.—The rooms might accommodate a public meeting of 400 people, but I am sure a sanitary Inspector would condemn them as a school for that number.

832. Judge O'Brian.—Could you give us the superficial extent in feet.

Lord Justice FitzGibbon.—Each room is seventeen yards by fourteen yards.

Rev. Dr. Molloy.—I think they would be crowded with 400, but I am afraid the poor must be crowded in any school they go to.

Dr. O'Dwyer.—There are one or two points in the evidence given in 1879 that I would ask your lordship to take notice of. It is directed principally to the need of school accommodation in Limerick. I would refer you to No. 10,803, evidence of Dean Banbury.

833. Lord Justice FitzGibbon.—We have strong evidence of the needs in Limerick of the poor population for school buildings, especially some evidence with reference to the St. Vincent de Paul School.

Dr. O'Dwyer.—My point is the absence of any need for school accommodation for poor Protestants, and if you refer to 10,503, 11,088, 11,312, and 10,463, you will find ample evidence from Dean Banbury that they asked the previous Commission to allow them to shut up certain poor schools on the ground that they had no one to put into them.

834. Lord Justice FitzGibbon.—We had all that before us, and we won't sign any scheme without having read the whole evidence, including the Dean's answer.

Dean Banbury.—The Bishop brought forward this point last year, and you answered him, and I answered him also, and I think the answer was very satisfactory, and should be read.

835. *Dr. TRAILL.—I just ask liberty to say a few words before you break up. I abstained from making any observations this morning after the very able and telling speech of the Lord Justice, which I am sure everyone must have listened to with great interest and attention; but I do not think it would be just or fair to myself to allow the meeting to break up without saying a few words. I don't want to enter on controversial ground, and I abstained from speaking earlier in the day in order not to have any argument or difference with my fellow Commissioners that I could avoid. What I wish to say distinctly is this—that in issuing this protest * I would be very sorry to have it interpreted as in any way reflecting on the honour or conscientious feelings of any of my colleagues. I saw from the warmth with which the Lord Justice spoke that he felt very keenly about it. I wish entirely to withdraw anything that would appear in any shape or form as an imputation on my colleagues with regard to the way in which they arrived at conclusions different from mine; but it is perfectly possible for persons to look at the same facts with different eyes, and to draw different conclusions from them. In that point of view I wished to point out in this protest, to which I still adhere, that the treatment appeared to me in a number of cases to be unequal. The Lord Justice threw the great weight of his

observations into what I would call the irrelevant points of the matter. I quite accept the corrections he made with reference to certain matters of fact. I admit I misdescribed the diocesan school of Waterford. It should have been called the "Corporation Free Grammar school," and while I was perfectly correct in stating that it was always formerly occupied by clergymen of the Church of Ireland, I should have added the words "up to the year 1832"—in former days the corporation was exclusively Protestant; but the real point of my protest in comparing it with Roscommon-road school was not the name, nor that clergymen had occupied it, but that the leases were allowed a right of pre-emption. They had only a promise of a lease from a corporation. I thought that Mr. Gregg's case was analogous; he had a promise of a lease from the Commissioners of Education, who a public body—it was an offer of a bad lease to be sure, but it is quite clear that if they had been able to give him a good lease they would have given him one. I thought these cases so analogous that the treatment of them by the Commission was unequal; and I think it is clear from the evidence that the only reason that could be made out for the changed treatment of Canon Gregg from what was practically offered to him in the draft scheme published before, was the outcry against the supposed proselytising. The Lord Justice was not

* For Protest, see Appendix B, No II (c) 147a, p. 108.

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correct in stating that we had not published any draft scheme before we met here last time—the draft scheme for Roxborough road was published before that time. In that draft scheme it is undoubtedly a fact that Mr. Gregg's right of occupancy was recognised. In clause 7 the Commissioners of Education were allowed to disturb him only for misapplication of rent and for to other purpose; there is not the slightest doubt that the new scheme deprives him entirely of the right of pre-emption, and refuses to recognise his right of occupation, as we recognised that of the Christian Brothers in Waterford. That is what I wished to call public attention to, and Mr. Dunbar Barton has properly dwelt on it. It appeared to me, rightly or wrongly, and I don't think it can be denied by any person present, that the reason for this change of front was because charges of misapplying were brought against Canon Gregg the last time we met here. We may all differ in our views about pre-empting, and as to whether it is advisable to keep Mr. Gregg there or not, but that this change in the scheme has taken place on account of an outcry against him on the last occasion is clear. I don't think any unbiased person could come to a different conclusion. The inference I draw is, that that was the cause of the change, and I think that the effect of such action as that will be, as I have stated in my protest, to turn this Commission into a tribunal "for deciding on the merits of religious quarrels instead of being an impartial tribunal for the administration of equal justice." I did not mean, by these words, to imply that the tribunal was not an impartial one. I come next to what the Lord Justice said about my remarks on the scheme for Leamy's endowment, he went into the whole case of Solomon Walker's will. I pointed out that case as an instance where we did not adhere to that gentleman's will, though it was the other way from what Leamy's did. I don't impute to any person any wish to do injustice, but what I say is that, comparing one of these things with another, the result is injustice. Now when I said that "when a Roman Catholic donor has left his money to Roman Catholic trustees—this Commission has not dared to perpetrate a division of the funds," I was only stating a matter of fact. If that statement is to be overthrown let anyone point out to me a Roman Catholic endowment, open to all denominations, with which this Commission has dealt or has proposed to deal at all; I gave an example, Harvey's endowment at Mullingar, and Deasey's endowment at Kells. I was not going to enter into the details or to argue the merits of the cases; I only said that in three cases this Commission refused to interfere in any shape or form. I am not blaming them for not doing so. With regard to my remarks in relation to the gentleman belonging to the Jesuit College at Mangret, some phrases that I have used may possibly have given offence to them. I should be very sorry to think that any observations I make in a public manner upon a public body or upon a well known Order should reflect personally on any individual. I should hope that any of them with whom I came in contact here before, or who may be here to-day will not think I wished to apply my remarks in any way disparagingly to individuals. I may have my own opinions about these Orders, and I do hold them strongly, but when I call this one an "illegal order," I mean that we could not incorporate it as a body to hold funds. When I referred to their expulsion from foreign countries, I only referred to well known facts. A Mr. Quinn, of this city, sent me a document finding fault with my remarks, but

his own remarks completely verified my statements. I would be very sorry, however, that these gentlemen should think that I intended to offend their feelings. The question of the inspection clause has been practically yielded, though the observations of the Lord Justice in relation to my remarks therein were severely ingenious. He rightly enough disclaimed responsibility for the inclusion of this inspection clause, as he was not present, but he went on to say that "Dr. Traill was present," and adds "he does not appear to have called attention to the omission," thus implying that I was responsible. I can only say that I fought hard against the inclusion of the clause, but I was overruled by the other Commissioners present. I also pointed out on the same occasion the injury done to the vested interests of these teachers, and I think that the Commissioners have now practically decided that they will recognise these vested interests. The Lord Justice did not pay any attention to that particular part of my protest in which I compared the dealings with Mangret and the dealings with the Protestants of Enniskillen. I only mentioned these facts as examples, not imputing corrupt motives, but pointing out that the anomalous result had been arrived at, that holdings and lands worth as much as Mangret were offered to the present lessees at £2,500, whereas Pector Royal School, which has always been held by the Protestants up to this, is not to be given back to them without a payment of £7,000. They have practically to submit to an auction, although the only bidder is the Government. I think it is unequal treatment to subject the Protestants to an auction in the case of Mr. Gregg, and in the case of Pector, and to give the right of pre-emption to the Jesuits in Mangret. I say, send down your valuers, fix a fair value for sale and purchase, and give the right of pre-emption to the complete in every case. If so, I think, a remarkable result that we have arrived at, that in the two cases I have mentioned, where there is a likelihood of getting a large sum of money by an auction, the Protestants are to be subjected to one (because I call a bid by the Government equivalent to an auction). But in another case there is not to be an auction, and you name a price about half what your own valuers put upon it. With regard to the Lord Justice's observation as to the date upon my protest, in which he implies that I waited until the long vacation, and then sprung this protest on the public, without any previous intimation or warning to my brother Commissioners, I have only to remark that I, first of all, sent up a rough draft of the protest to the full Commission. It was then returned to me for further consideration, with a request that I would attend in person, if I wished it to be considered. Consequently I returned to town, and attended the final meeting of the Commission on August 5th, and on that occasion I read the protest aloud to those then present, including the Lord Justice, who had, therefore, full opportunity of correcting any errors or misapprehensions into which I might have fallen, and the protest, as finally published, differed in no essential particular from what I then read out. With these remarks, and adding again that I would be sorry to impute any but the highest motives to my colleagues, and that my only meaning was that I thought they had arrived at resolutions inconsistent with each other, rightly or wrongly, I say no more, and I don't wish to enter into any controversy on the matter.

The proceedings concluded.

PUBLIC SITTING—MONDAY, OCTOBER 20, 1890,

At the Court-house, Cork.

Present:—The Right Hon. Lord Justice FITZGERON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLOY, B.D., D.D., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

THE MUNSTER DAIRY SCHOOL AND AGRICULTURAL INSTITUTE.

836. Lord Justice FITZGERON.—We have appointed this sitting in accordance with the promise that we would give all parties interested an opportunity of stating their wishes before we abandoned the scheme published some time ago, in the hope that it might form the foundation of an agricultural institute for the province of Munster. That scheme was published at the request of the Local Committee of the Munster Dairy School. We apprised them that we could do little more than put it in their power to deal more favourably with the public authorities when incorporated, than they could expect to do in their present condition.

I should state the history of this institution, and let the Cork people see what they might get through the scheme.

In 1835 the Munster Model Farm was established by the Commissioners of National Education on a farm taken by lease from the Duke of Devonshire for sixty-nine years from January 1, 1833. The farm consists of 127 statute acres, at Inchigoggin, near Cork, subject to a rent of £220. Therefore in the land itself there is little or no interest, the rent being at least as much as the land would let for now. But that lease was expressly given for the purpose of establishing a Munster Model Farm, and of erecting buildings at the public expense, and it contains a condition that if at any time those buildings are surrendered to the landlord, the Commissioners shall have no claim whatsoever in respect of their expenditure, £13,887. Upon that land, the Commissioners expended of public money, in erecting the buildings which are now upon it. The Model Farm became a source of great expense, and the Treasury objected to continue the payments for its support. In 1860 the Commissioners of National Education, with the concurrence of the Treasury, communicated with the Duke of Devonshire for the purpose of seeing whether he would allow them to sell their interest. The Duke gave them no reply; they could not sell without his consent, and they therefore had the alternative of continuing to pay £220 a year rent, or surrendering the lease, and losing the whole sum spent. In that condition of affairs the gentlemen who have promoted this scheme—the Cork Agricultural Society—represented to the Government the injurious effects that would follow if this agricultural school were closed, and they urged that a new department should be added, for instructing females in the management of dairies. They formed a Local Committee, and raised funds to meet the increased expenditure required for the dairy department. The Treasury sanctioned that proposal, on the understanding that the responsibility for the farm, and all liabilities for expenses and for the administration of the public funds, should rest with the Commissioners, and that the Local Committee should administer the funds raised by themselves, and spend those funds on the Dairy School, in the management of which they were to take part.

From that time down to the present a very successful Dairy School has been carried on. The Dairy School and that branch of the business with which

the Local Committee is connected have been very successful. But the Model Farm portion, for the young men, has not been so successful; the number entering has been small and the expenses have been large. Since 1860, when the proposal to surrender the premises was intercepted by the voluntary action of the Local Committee, the Board of Works has spent on an average about £300 a year upon keeping the buildings in repair. These buildings are vested in the Commissioners of National Education. Besides this current outlay upon the buildings, the annual balance of loss upon the farming account has been paid out of the vote for National Education; the amount so paid was £461 in 1864; £635 in 1867, and £283 in 1868; and therefore the total public expenditure upon this institution averages about £200 a year. Besides that, the Local Committee have collected on an average £175 a year; the Royal Dublin Society grants £50 a year; and about £40 a year more has been raised from local sources, making altogether in round numbers, from voluntary or non-Government sources, an income of about £270 a year in addition to the £200 a year; therefore the Dairy School and Model Farm together have cost about £1,300 a year.

In 1867 the Local Committee got from the Chief Secretary £22,000 for the institution, but they have declined to spend that money until the school is put on a permanent basis, and accordingly the money is now invested in Government Stock. The three original trustees were Mr. Crawford, Colonel Simtham and Professor Sullivan; two of these have died and their places have been supplied by Sir George Calverley and Captain Lindley. Besides that money is an existing Educational Endowment for Agricultural Education. The trusts have not been declared, and our Commission can deal with it, but only with the written consent of the trustees, because the money was given after the date of our Act of Parliament, and is therefore exempted from our compulsory jurisdiction.

We were applied to by the Committee to frame a scheme by which a practical and theoretical agricultural education might be provided for the sons and daughters of the farmers of Munster. The Committee sought powers to establish an Agricultural Institute, in which pedigree cattle, a veterinary school, a seed-testing station, reclamation of land, the management of stock, and agricultural experiments might be promoted; and through which travelling instructors might be employed to visit different parts of the province. The welfare of labourers might be aimed at by encouraging improved management of cottages and gardens. Prizes for agricultural stock, produce, and machinery might be offered, and any other matters might be taken up which appeared useful to the agriculture of the province. The Local Committee proposed to constitute a governing body substantially as in our Draft Scheme.

This Draft Scheme was framed substantially in accordance with the programme of the Local Committee, which may have been rather ambitious, seeing that

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the endowment was only £2,000. But the object of the Scheme was to create a body which would be in a better position than the existing pecuniary committee to deal with the Government and with the Commissioners of National Education for additional means.

Communications took place, I believe—we took no part in them—between the Local Committee and the Government, and from the correspondence, which may be found in our reports, hopes appeared to be entertained by the Local Committee that if they got a legal existence, the amount now spent through the Commissioners of National Education would be transferred to the body incorporated by the Scheme; and the late Professor Sullivan, who gave very important evidence upon this matter, was arguing that the £200 a year at present spent would enable local managers to work the place much more extensively, and to carry out the desired objects.

After our Scheme was published we received objections to it, which in regular course we have to consider.

The first objections came from the existing Local Committee. They wished to have an express provision that there should be no pecuniary liability upon those gentlemen who accepted office on the proposed governing body. With regard to that, the individual members of an incorporated body under one of our Schemes can incur no personal liability, unless they voluntarily make themselves personally liable, as well as officially liable in their corporate capacity. If we incorporate the body, its members will be liable for claims upon it only so far as its corporate funds go. They next ask that the farm and buildings should be handed over to them, but that the Commissioners of National Education should continue liable for the rent and rates. The Commissioners of National Education, of course, would not listen to that. We had hoped that arrangements might be made between the governing body, when incorporated, and the Government for taking over the lease, farm, and buildings from the Commissioners of National Education, who at an earlier period were only anxious to surrender them; but whoever takes the lease must also take the liability for the rent and rates. We were led to expect that the governing body might get an assurance that the £200 a year would be continued to them, and if so that they would take over the position of the Commissioners of National Education with the great advantages of local management. The Committee also ask that, in the event of the funds proving inadequate, they should have power to surrender the farm to the Commissioners of National Education. The same remarks apply to that as to the previous objection. Their next proposition is in the same direction as that of another class of objectors. They seek to modify the constitution of the governing body by reducing the number to be appointed by the subscribers and substituting six members of Parliament representing the counties of Munster. In this matter our Draft Scheme merely followed the original proposals, and we should gladly aid the desire to widen the basis of this governing body.

The Commissioners of National Education have furnished us with a document which, technically speaking, may not be an objection, but which certainly indicates that we are not to expect them to consent to any alteration of their rights unless they are altogether relieved of responsibility. They set forth in historical account of what they have done; but they do not mention that ten years ago they were anxious to surrender the place, with all the outlay, to the landlord for nothing, because they could not keep it without a loss which the Treasury refused to bear any longer. They also set out a correspondence with the Treasury from which it appears that when the £2,000 was paid to the trustees, they were warned that they were not to expect any more, and that the grant was not to entail on the Exchequer any new

liability. The £200 a year would not be a new liability, because it is being incurred at present.

We also received an objection by the Mayor and High Sheriff of the city of Cork, by three members of Parliament, and by some other gentlemen. This objection is very peculiar. They object first that the County Cork Agricultural Society, and the funds at their disposal, do not constitute an educational endowment. I have pointed out that the only endowment directly dealt with by our scheme is the £2,000, which certainly is an educational endowment, but one which we cannot touch except with the consent of the trustees. Their next objection also is a strange one:—

"That the establishment of the proposed Munster Dairy School and Agricultural Institute is not at present desirable, nor for the public convenience."

Well, if veterinary and agricultural science, and all the other subjects of the programme, and the instruction of farmers and dairymaids are so perfect in Cork that they cannot be improved, the objection may be sustained, otherwise agricultural instruction would seem to be desirable and advantageous. The next objection is that the draft scheme has been adopted without due notice to the persons interested, and without sufficient publicity being given to the proposals embodied in it. Our desire always is to give the fullest publicity to our proceedings. We sent notice of the draft scheme to every one that we believed to be interested, including several of the gentlemen who now object—we published it in all the Cork and Dublin newspapers, and it is to be distinctly understood that no objection is now too late. Now is the time, upon the draft scheme, to consider any amendments or objections. We are here to consider every change that may be thought advantageous. These gentlemen also object to the constitution of the governing body; they first object to certain governors being appointed for life. The governors proposed to be appointed for life were members of the existing committee who had saved the place in 1859, and had since brought the dairy school up to its present state, and we thought if it was to have any chance of success, we should preserve their connection with it. The next objection was that the scheme permitted a disproportionately large number of governors to be appointed by subscribers. We are quite ready to modify and regulate the franchise, and to limit the number of governors whom the subscribers may elect, but so as not to discourage the contribution of necessary funds. We should be happy to consider any propositions which would lead to interesting a larger number of people in this dairy school and model farm. The next objection was that there was no popular representation. The draft scheme proposes a representative of the Grand Jury of each county. If Grand Juries are not a "popular institution," their powers must be recognised, and we must take public bodies as we find them. It is too much to expect this Commission to solve the problem of local government. We have found several instances, notably Baltimore Fishery School, where grand juries have contributed to the funds of institutions similar to this, and they have even subscribed to this very dairy school. The next point is, that the selection of persons to hold office in the first instance was objectionable. That was done as we have always done it. Those governors representing the grand juries were named by the grand juries themselves previously beforehand.

After our draft scheme was published, the grand jury of Kerry at the summer session, 1889, adopted this resolution:—

"That in the opinion of this grand jury, the governing body of the new Munster Agricultural Institute and Dairy School, should take steps to provide that unless a grant or endowment can be obtained for the equipment and maintenance of the institution, the present position of the farm and schools should not be interfered with; and, that in that case, the proposed scheme should be rejected and the new governing body dissolved."

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That was rather putting the cart before the horse. The local committee were distinctly told when they got the £2,000, that they must not expect the Treasury to spend any more; and until further funds were available, the body incorporated under the scheme would be in identically the same position as the local committee is now, excepting always that they would have defined and practicable trusts which they could administer with regard to the £2,000 now accumulating in the funds.

Our next communication was from Mr. Beaminish, the honorary secretary of the local committee; from that it would appear that the local committee had been in communication with the Government, and had got some encouragement to think that the £200 a year might be continued to them, though they had been refused any additional capital grant. The local committee then passed this resolution:—

"That having been informed by the honorary secretary of the result of his interview with the Chief Secretary for Ireland on the subject of establishing the proposed Munster Dairy Agricultural Institute, the Committee of the Munster Dairy School regret very much that the refusal of the Chief Secretary to apply to the Treasury for any extension of Government aid for the purpose of affording agricultural instruction to the sons of farmers in the South of Ireland, has the effect of precluding all present hope of developing the existing dairy farm into the proposed Munster Agricultural Institute, and the Committee of the Munster Dairy School are reluctantly compelled at present to abandon a scheme, which would, they believe, have the effect of doing for the sons of farmers the good that has hitherto been done for their daughters."

Mr. Beaminish endorsed that resolution to us with a letter, "regretting extremely that the trouble to which the Educational Endowments Commissioners had been put in formulating a scheme, which he believed would have been of great service to the country, should have been wasted in consequence of want of adequate support from the Government."

J. B. LACEY, Secretary Munster Dairy School, examined.

838. Mr. LACEY.—I am instructed to hand in copies of the resolutions which you have already received.
Lord Justice FRYGEMAN.—The resolution of October 9, 1890, is:—

"That the Committee are prepared to accept some single form of incorporation if the connection at present existing between the Local Committee and the Board of National Education, and the Board of Public Works, can be maintained until such time as sufficient funds are provided to enable the new Governing Body to carry out a complete system of Agricultural Education."

Under the scheme the body incorporated will be in the same position as the local committee, but whether it would be worth while to incorporate a body for that purpose only, if there were no immediate possibility of taking action to get further funds, is another question.

Mr. LACEY.—On receipt of the notice of this public sitting I summoned the committee, and having heard the whole question again, my instructions were simply to hand in those resolutions.

839. Lord Justice FRYGEMAN [to Mr. LACEY].—Then they do not at present see their way to carry out the objects of the scheme?—No, except so far as is stated in those resolutions.

840. Do they mean that they wish to be incorporated as they are, and that their powers should not be enlarged?—It is something like that; that they may be in a position afterwards to extend their usefulness.

841. Rev. Dr. MALLON.—But they are placed in that position by the scheme?—Their intention was that they did not want to incur any fresh financial obligations.

842. They would incur no fresh financial obligations under our scheme?—But if we took over the school under the new scheme as published, the committee feel that they would be simply trying to work the place with inadequate funds.

We do not regret the trouble. We do regret the threatened abandonment of the effort of these gentlemen to promote agricultural education in Cork. We cannot make endowments, or charge public funds, or transfer public property. If there are no local gentlemen willing to try to continue this dairy farm, and to found this agricultural institute, and to deal with those who have charge of public funds, there is no use in our going any further with this scheme. If there is any prospect of obtaining the object, we should be happy to give any assistance in our power, and to use this £2,000 as a nucleus for a scheme. The formation of an efficient governing body will probably determine the success or the failure of the institute. We could not think it desirable to entrust the management of this institution the gentlemen who have made the dairy farm a success, and we cannot cast from the possession of this £2,000 those who got it, and who have been accumulating it in the hope of a better time. Therefore, the first question is whether the existing committee are willing to do the best they can with this scheme, or whether they would rather have no scheme at all? If they don't see their way to accept it, is there any other body that could be substituted for them? Are there any modifications to be introduced which would make the scheme more effective? This is an ambitious scheme no doubt, but if it be contrasted with the charter of the Royal Dublin Society, which has done such good work in its day, the two institutions would look very much alike. Our object to-day is to hear the views of all parties interested. We will first ask Mr. Beaminish whether he has anything to say for the gentlemen on whose motion this draft scheme was prepared.

837. Mr. Ludlow Beaminish.—I am afraid I cannot represent the committee, as I have ceased to be their honorary secretary. Mr. Lacey, the secretary, will do so.

843. They would be only trying to do what they J. B. LACEY. are doing at present; the Commissioners of National Education would retain the same responsibility they now have.

Mr. Justice O'BRIEN.—That is a legal proposition I would not like to assent to very absolutely.

844. Lord Justice FRYGEMAN.—How have the members of the committee been chosen?—They are elected from the subscribers, and accepted subject to confirmation by the Agricultural Society.

845. Then they are all gentlemen who joined in subscribing the £175 a year?—Mostly, or new subscribers.

846. What has been the progress of the school during these last two years?—We have had a very successful year for 1889-90. We had as usual three sessions for dairy pupils, and thirty pupils each session—as many as there was accommodation for—without having to advertise or take any trouble to get them. We have had fourteen male pupils in the school, their ages ranging from fifteen to thirty.

847. Then the number of pupils at the dairy school has gone on increasing?—It has.

848. Professor DOUGHERTY.—Were your dairy pupils all from Munster?—No; we had a couple in the session of 1889-90 that came from beyond Dublin.

849. How do those people in the North know of the advantages of this school if it is not advertised?—It shows that the usefulness of the school is widely recognized. We frequently have pupils from beyond Dublin.

850. Dr. TRAILL.—Why should not the schools go on as at present? I thought there was a fear entertained that if some members of the committee went away there would be no one to work the place at all?—No, but if we got a charter the responsible management would fall more directly on the local committee, and without a very active honorary secretary

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or some other gentlemen to work up the voluntary aid, we should find it hard to get on with such a small sum of money.

851. Have you any paid officials?—I am the secretary and I am the only paid official of the Local Committee. The superintendent of the farm is nominated by the Commissioners of Education with the approval of the Local Committee.

852. Is yours the only salary paid by the Local Committee?—We also pay a lecturer on veterinary science.

853. Is your salary entirely paid by the Local Committee?—Yes.

854. What is the amount of it?—£30 a year.

855. Rev. Dr. MOLLON.—I think the conclusion that the Committee have arrived at is that they would prefer to be left as they are, rather than accept any scheme in which other members would be added?—I am afraid that is it.

856. Lord Justice FITZGERALD.—Unless they get further money?—Yes, the great point is the money. If we could get further money we would do very well.

857. Mr. Justice O'BRIEN.—If you are left as you are, will the result be that the whole concern will be abandoned in a short time?—Not at all; it will go on just the same as now.

858. What is the entire aggregate revenue it receives?—£930 a year from the Commissioners of National Education, and £970 a year from other

sources. Ninety pupils each year in three classes of thirty each have been trained there, and £1,500 a year is not excessive for that result.

859. Mr. Justice O'BRIEN.—Are they the same pupils that attend the three sessions or different?—Perhaps one-third of each girl's class would continue next session.

Dr. TRAILL.—That would be equal to about seventy separate individuals each year.

860. Rev. Dr. MOLLON.—Do they find that a second session's training enables them to do their work better and make better better?—Yes, and they exercise a very beneficial influence on their neighbourhood.

861. Mr. Justice O'BRIEN.—I have heard a great many people express the opinion that it is only the actual relation of industry to the occupation of land for beneficial remuneration that would teach a pupil agriculture, and that you cannot do it by trying to force this system of improved open-farming. However, if anything can be made out of it let it be done.

862. Mr. Justice BARNARD.—In 1889 we published this record (handed in) of what had been done by the pupils after they had left school, and you will see what extremely good results the dairy school has produced.

863. Lord Justice FITZGERALD.—It is plain that the existing Committee prefer the precarious condition they are in, unless they get additional funds.

JOHN DEASY, M.P., &c.

John Deasy
M.P., &c.

864. I appear here for Mr. Realy, one of the members for the city, who is one of the objectors, and who is away unfortunately. I wish to intimate to you that we would very much prefer to allow the present state of things to exist for a little longer at least, in the hope that something would be done by Parliament to make this institution really efficient for training girls in butter-making and training boys in practical farming. We consider that at present the institution, as regards the farming instruction given, is an utter and absolute failure, that the money spent upon it is all but thrown away, and we have strong reason to believe from Parliamentary utterances by the Chief Secretary and others that before very long we will have a Minister of Agriculture in Ireland, and we have at least a chance of reviving the Chair of Agriculture in the Queen's College, Cork.

865. Lord Justice FITZGERALD.—Has that been put an end to?

Mr. Deasy.—Yes, for the last thirty or forty years. Under this scheme, if you were to give it your sanction, this Committee which would be appointed by it, would have the power of excluding the Professor of Agriculture from their premises. They intend, it appears, sooner or later to establish the place on a very large scale indeed, but where the money is to come from we do not know. If it is to come from public sources we object to the money of the ratepayers of the three kingdoms being placed in the hands of a Board of Governors which will be practically self-nominated. I did not know that it was proposed to enlarge the Board of Governors by the addition of six members of Parliament until you stated so, but that would not change the character of the Agricultural Society, which is entirely at variance with the farmers of the county Cork. I say that with very deep regret, because if there were co-operation between the two societies which now exist in this county for the promotion of shows and general agricultural purposes, I am quite sure their shows and their proceedings would be very successful, and that some arrangement would be come to between them for setting up a really good school at Ballygappin. Of course that cannot proceed if the Agricultural Society, or the gentlemen at present in

charge of the Institution do not see their way to it, but I quite agree with the observation of Lord Justice FitzGibbon, that on the constitution of the Board of Governors will depend to a large extent the success or the failure of this scheme if carried into effect. I am instructed to say that there is scarcely any possibility that the local public boards would facilitate raising money for an institution presided over by a Committee of the Agricultural Society as they would not have any confidence in those who would administer the funds. I say that without any desire to reflect personally on any gentleman, but I do say that the Cork Grand Jury and other Grand Jurors of the South are intensely unpopular and unrepresentative bodies, and I would say furthermore that they have no legal power to levy any rate whatever for this scheme, and if they have contributed under this scheme they have contributed illegally. But under an Act of last year local sanitary authorities, urban and rural, would have power to contribute towards the maintenance of a technical school such as this; and Mr. BARNARD, and other gentlemen now connected with the Cork Agricultural Society, will agree with me in saying that there would be very little chance indeed of getting a grant from the Corporation of the city or from any of the fifteen Poor-Law Boards in the county, unless the constitution of the Board of Governors were popularised.

866. Lord Justice FITZGERALD.—The Technical Education Act to which you refer passed since our Act came into operation, and I think since this draft scheme was prepared. We should certainly do our very best to form such a body as would take advantage of the Technical Education Act, and under that Act every local body which contributes will be entitled to represent such; but if your position now is that you prefer not to go on with this scheme, but to wait and trust to the chances of Parliamentary action, we can only leave the institution as it is.

Mr. Deasy.—Another suggestion I have to make is, that we should wait in order to see whether any arrangement could be carried out between the rural associations in Cork for the purpose of co-operating to make this school what it ought to be. Within the past three or four months an association consisting

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of farmers and gentlemen of the city and county has been formed, not exactly in opposition to the Cork Agricultural Society, but because those gentlemen who form the association have no confidence in the Cork Agricultural Society. The name of the president of the association is a proof of the popularity of the association among the farmers of the county. The president is Mr. Funnell, and it contains all the members of Parliament for the city and county, and one who is not a member for the city or county, but who is entitled to speak for the farmers, and that is myself. The number of members on the roll at present is 600, and it is beyond all question that in the course of a year that number will have been swollen to 1,000 or 1,200. The Committee are nominated by all the public bodies in the county, and if money was to go to any association I say that the endowment should be given, if it could be given, to this new association. Under the circumstances then I suggest that it would be far better to have this scheme put aside for the present, for the Agricultural Society, for the two Boards, to allow things to go on as they are, and see how the two societies could arrange about the matter. If that were done it would be conducive to the promotion of good feeling. With regard to the life members, we could not assent to the appointment of the gentleman named. I fully concede that Mr. Beauséjour and the gentlemen associated with him had a great deal of trouble in working up the Derry School. I do not desire to deprive them of any of the great credit to which they are entitled on account of their action for the past four or five years, and I would give them any place of honour consistently with public rights; but I do not think any man should be appointed for life on the considerations advanced in regard to those gentlemen. I do not think a man should be appointed on account of the amount he chooses to subscribe, and I consider it a reasonable course to pursue. With regard to the members whom it is proposed to elect triennially, I would point out that election would practically cease in the course of time. If those gentlemen found that the funds were being provided out of the public treasury—by other means than putting their hands into their own pockets—they would cease to be subscribers, all vacancies would be filled by co-option, and there would be no chance of a popular element being introduced. The Grand Jurors of Tipperary and Kerry represent to one but themselves, and we would not want to have anything to do with them. If they become contributory legally give them the nomination of a governor to see how the money is expended. About the introduction of six members of Parliament, there is a seventh member of Parliament for whom I speak, and in all probability that is a gentleman who is excluded from the Board at your lordship's suggestion.

867. Lord Justice Fitzgerald.—It is not my suggestion at all; it is the suggestion of the existing committee, that eighteen governors shall represent the counties of Munster, twelve to be elected by the Grand Jurors, and six to be members of Parliament.

Mr. Justice Beauséjour.—Mr. Deasy is under a misapprehension. The proposal is that six members of Parliament be added, one for each county, and that they shall be selected by all the members of Parliament for the several counties. It is wholly without foundation that any person was to be specially excluded.

Mr. Deasy.—I understood that the six members were for the six counties, and that the representatives of the city of Cork were excluded.

868. Lord Justice Fitzgerald.—No. Six members for the whole area. This was a proposal emanating from the committee. We put forward nothing.

Mr. Deasy.—To this body, so constituted, it is proposed to hand over the entire of the buildings with this fund, which would be an endowment of £15,000 out of the public funds. £13,000 odd has been spent

in the erection of the buildings, and other improvements would come to £15,000, and this is to be given to those gentlemen without their incurring any liabilities.

869. Lord Justice Fitzgerald.—What could be got for that place now subject to £250 a year rent? Bear in mind that all those buildings were there in 1880, and were on the point of being evicted for non-payment of rent, or surrendered for nothing to the landlord.

Mr. Deasy.—I am quite aware of that.

870. Lord Justice Fitzgerald.—Therefore do not treat the amount expended as an existing endowment. The question is, what is its present value?

Mr. Deasy.—But £13,000 or £14,000 have been expended, and if this school is kept on by those gentlemen they will have buildings worth £13,000, which would have to be accepted if they were commencing. We are willing to raise up such a body here in this county as will take up the working of this institution and carry it on efficiently.

871. Lord Justice Fitzgerald.—That is all we ever said we could do. You talk about waiting for something to turn up, but while you are waiting there are two impending dangers which you overlook. This Local Committee which has successfully worked the daily school since 1880 may give up. If they do so then the thing comes down to where it was in 1880, when the Commissioners of National Education were called on by the Treasury to get rid of the farm and buildings because they would pay rent for it no longer. The probable effect then of waiting would be that the premises would be surrendered.

Mr. Deasy.—But we are in a wholly different position from that in which we were in 1880. No doubt there was little chance of keeping on the work of the school then, but for the action of Mr. Beauséjour and his friends.

Mr. Beauséjour.—I was not one of the original founders. It was Dr. Sullivan and Sir George Calverton who acted in the matter.

Mr. Deasy.—Now we have got an Act by which we can get annual grants from local boards for such purposes. We have got an association equal in strength and influence to the Agricultural Society. We have got a large number of gentlemen in the county, most of them connected with this Association who are willing to give help—not to the present Agricultural Society—on favourable terms, and if the present committee surrenders or abandons the school, they are willing to take it up.

872. Lord Justice Fitzgerald.—The practical result of that suggestion would seem to be this—that there are two bodies trying to attain the same object. If those two bodies could agree to act together for the furtherance of this institution we should gladly help them. But do not suppose that by doing nothing you may not lose a substantial property. The £13,000 of public money is now represented only by the buildings on a place liable to be surrendered, if the present local committee cease to carry it on.

873. Rev. Dr. Molloy.—The real value that exists in the place at present is the fact that it is a going concern, and if the two existing bodies could unite their forces we should be in a position to give you a scheme which would help you to keep it going, and we could introduce into the constitution of the governing body such modifications as would give reasonable representation to both associations.

Mr. Deasy.—I am instructed to ask you not to deal with the scheme at all now.

874. Rev. Dr. Molloy.—But we must either deal with it or drop it.

Mr. Deasy.—Well I ask you not to press it, so that something might be done to make the Agricultural Society stand here.

875. Dr. Threlkeld.—For how long would you like to have it postponed?

Mr. Deasy.—A month I should say.

H. 2.

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John Dwyer,
M.P., &c.

876. Mr. Justice O'BRIEN.—If you don't seek to acquire control of this institution for this rival association, have you made up your mind to suggest any modification of this scheme?

Mr. Dwyer.—Strange to say, though a great deal of notice has been given, we were quite unaware of your sitting here until yesterday. It was only this morning I was instructed in the case, and Mr. Healy who instructed me has had to go away to the north of Ireland. It would be impossible for me, without consulting with him, to offer any suggestions.

877. Lord Justice Fitzgerald.—A copy of the notice of this sitting was sent more than 14 days since to every gentleman who signed any objection, or who was named in the scheme, and it was published in every newspaper in Cork.

Mr. Dwyer.—I assure you that two gentlemen who sit beside me never heard of it until this morning.

W. J. LANE, M.P.

W. J. Lane,
M.P.

879. As a Member of Parliament for one of the divisions of this county, and a member of the better trade, I am in a position to answer Judge O'Brien's question with reference to the beneficial action of that school on the dairying interests of the south of Ireland. I am very glad of having the opportunity of testifying publicly to the great advantage which the Dairy School has conferred upon the dairy farmers of the south of Ireland. In fact the advantages of the school have spread far and away beyond the Province of Munster, as many of the girls who come out of this school become instructors of others. After the statement that has been made about the position the committee of the Dairy school now occupy, my temptation as an objector to the scheme is positively gone. Because from what I heard since I came into the room, the Committee will scarcely be inclined to accept any such scheme as the Commission would be inclined to grant. In reference to a remark upon the objections made by us, and to which my signature was attached, I confess honestly that I had not read the objections at the time my signature was obtained. It was obtained very late at night on the last day it was possible to sign those objections. I might account for that by saying I have never seen in any newspaper a notice in reference to this matter. I have never got any communication whatsoever, either the draft scheme or any other, beyond the one I received last week asking me to appear to-day. I must say that as far as notification giving general information to the public at large, the community of Cork are completely in the dark in reference to this proceeding here to-day.

Rev. Dr. MOLLOY.—We sent out the notices and published them in the newspapers.

880. Lord Justice Fitzgerald.—What more can we do? We published every stage of this transaction—our first sitting, our last sitting, and this present sitting—in each of the three Cork newspapers, in addition to sending notice to everyone officially connected with the school or with the scheme. Besides, we published them in each of the Dublin newspapers and in the *General Advertiser*.

Rev. Dr. MOLLOY.—In addition to that, we took special notice of this Institution in our last report to Parliament.

Mr. LANE.—As to your lordship's statement in reference to the second objection, that you could not understand why we made such an objection—when I heard you read the objection that such an institution as the Munster Dairy School and Agricultural Institute is not at present desirable or for the public advantage, I felt that there must be a mistake. What our objection should be, is that the change from the present Committee to the new Governing Body was not desirable—not that the institution itself was not entirely a thing that every person in the community would be glad to see established on a sound

878. Mr. Justice O'BRIEN.—Is there any person in a position to speak of the effects of this institution in reference to improvements in the manufacture of butter? Because that has been looked forward to as the principal advantage to be derived from this school. If a considerable number of young women were instructed in the art of butter making, and their instruction had effected an improvement in the leading industry of the country, it would be an important consideration for us.

Mr. Ludlow BERNARD.—I may say in answer to your question that Mr. Farrel, the chief inspector at the Cork butter market, has stated that, in his opinion, an improvement has taken place in the quality of the butter coming into the Cork market, and that the improvement is attributable to the influence of the Dairy school, and the instruction given to the sons and daughters of farmers there.

and flourishing basis. Though I appear technically here from my position as member of Parliament, I may say that I have much stronger reasons to appear here as a member of the butter trade. For the past fifteen or sixteen years I have taken great interest in trying to spread ideas about the necessity of improvement in that manufacture. I have made a special study of what has been done in Continental countries. I was summoned before the Duke of Richmond's Commission to give evidence on this point, and before the Select Committee of the House of Commons on Irish Industries, and the whole tenor of my evidence always has been that we are completely backward in agricultural education compared with any country with which we have to compete in the English and foreign markets. So I should be very sorry to be regarded as objecting to this scheme from the point of view that further additional education in dairy and agricultural matters is not strictly and absolutely necessary for the welfare of this country, which is a purely agricultural country. But I object to it solely on the terms of the draft scheme that was then submitted to us and which was not then modified as suggested. I will not now go into any matters that might create any personal ill-feeling, nor make any reference to matters of notoriety in Cork, the result of which I regret to say was that the Dairy School and the Agricultural School have not ever been visited by the general mass of the farmers to anything like the extent that an institution of the kind should be if its governing body and its general management were in sympathy with the people. Mr. Justice O'Brien very aptly said that the number of students was a very small return for the very large expenditure. I need not emphasize that fact after the secretary read out that eight boys and about thirty girls would represent the average attendance.

881. Lord Justice Fitzgerald.—Thirty is the full number that the existing buildings, notwithstanding the great expenditure, will accommodate. The result of our inspection of the place was to satisfy us that the Dairy School is a great success and the farming part a failure.

Mr. LANE.—I thoroughly acknowledge that the Dairy School has been a great—an overwhelming success—in every respect, proportioned to the extent to which it could be a success; but I maintain that any establishment supposed to represent the Agricultural College of the province of Munster that can only boast of having eight or ten or fourteen agricultural students in a year is practically an absolute failure. I have no hesitation whatever in saying that if this scheme which has been drafted were put into operation on the lines on which it was originally drafted, that you never would have a larger number there—you would have a smaller number than even you have at present. I stated that in my place is

the House of Commons when this £2,000 was granted—I stated it in the presence of two representatives of the Dairy School, who did not controvert it. I refer to that as preliminary to what I would propose as a substitution for this scheme. I do not think that this school should be taken in its new phase under the Educational Endowments Act. I think it would be such better for the whole community if the new management were started under the provisions of the Technical Education Act of last year; and I for one do not anticipate that the gentlemen who are now managing that institution with the greatest zeal, energy, and self-sacrifice, if this scheme be abandoned, gentlemen would abandon the school and the farms, and leave the whole thing to become derelict.

882. Lord Justice FRANKLIN.—The Technical Education Act does not enable guardians or anybody else to acquire land. Grants under that Act are to be made to existing institutions.

Mr. Lase.—They have power to levy a tax of 1d. in the pound of their valuation for technical education or manual instruction. Then the clause that explains that expression "manual instruction" says that it shall mean instruction in the use of tools, processes of agriculture, modelling in clay, &c.

883. Lord Justice FRANKLIN.—Before you could take advantage of that Act it would be necessary to have the school in existence. If we drop this scheme you will have to form some other institution before you can take advantage of the Technical Education Act.

Mr. Lase.—I am quite sure when this Act becomes better known to the public bodies you will find the greatest alacrity in putting it in force. I believe the gentlemen who have been working this school up to the present will be very glad to co-operate with the local authorities under this Act, who have such large powers of raising money, to devise an alternative scheme which will enable this institution to become really and thoroughly a representative institution for the province of Munster. The Act of last year gives the local authority, the urban or the rural sanitary authority, meaning the Corporation in the one case, and the Board of Guardians in the other, power to levy a rate of one penny in the pound, which here would represent a sum very close on £2,000.

884. Rev. Dr. MOLLOY.—Have you considered the effect of section 1, clause (d), which seems to require that any money levied under the Act must be distributed between all the qualified schools in the district, in proportion to the amount of technical instruction they give.

Mr. Lase.—I do not think that would be an unmet evil. But in the county Cork we have fifteen Boards of Guardians authorised to levy a rate not exceeding one penny in the pound for technical education.

885. Lord Justice FRANKLIN.—But you must first create, if it is not existing already, a school or institution under managers capable of taking the money.

Mr. Lase.—I apprehend that when you will have a spirit of co-operation existing between the committee of the school and the public bodies who will have the power to contribute, there will be no insuperable difficulty to taking such steps as will create this school within the meaning of that Act. Then in the county of Cork alone—not to speak of gifts—you will have fifteen rural authorities and the City authorities able to contribute without losing too heavily on the outlay. Several thousands a year, which, in addition to the sum now spent by the Commissioners of National Education, and other sums becoming available, will create such a fund, disposable by and available to the committee of management that will have control, that this thing could be worked as a thoroughly useful institution, instead of being merely a school for educating a few dairymaids. The dairying interest is a very important one of itself, but considering that we are a wholly agricul-

tural community, and that there is a prospect that in the near future the owners of farms will take a much greater interest in developing the resources of their farms than in the past, education in agricultural matters should be of primary importance; and I think that with the prospects that this Technical Education Act holds out to the community at large with what I believe will be the readiness of public bodies to do all in their power to take advantage of that Act, there should be a rapprochement between the two bodies representing the different sections of the community connected with agriculture, and it will be possible to frame a scheme that will be satisfactory, and will combine all parties in mutual co-operation for this purpose, and that will enable us to have an institution in Cork that will represent the county Cork, and give full and ample facilities for what I would call a thoroughly representative college for the county, or even for the province of Munster at large. I maintain that, and my reason for coming here to-day to object is because I feel that if by any chance this scheme be proceeded with and sanctioned, it will be a misfortune in a double sense. In the first place, a large amount of public money will be spent upon it for which no value will be given; and secondly, the existence of such an institution will be likely to prevent any effort being made with any prospect of success, to establish any other institution like it in Cork; and instead of being any advantage, such an institution, under such a governing body, even modified as at present suggested, would be rather a drawback and an obstruction to agricultural progress.

886. Rev. Dr. MOLLOY.—In reference to one point I may say we have been all over Ireland, we have found everywhere evidence of the failure of agricultural schools, which were once established on a scale of considerable magnitude in the country. We inquired in several places, where there are valuable buildings or large endowments originally intended for the promotion of agricultural education, whether something might not be done to restore these endowments to their original purpose, and we got no encouragement anywhere until we came to Cork. There we found an institution which is at least a going concern, and is doing excellent practical work. There are two departments, one an agricultural school, founded by the Board of National Education, which is, comparatively speaking, a failure; the other a model dairy school, founded by local gentlemen, which is an undoubted success. We were asked to try if we could by a scheme of ours incorporate this local body, and thus put them in a better position to carry on their work. We gladly seized the opportunity—the first offered us—of doing something to promote the most important of Irish industries. That was the origin of the scheme which we have produced, and if it were possible for the two associations to combine their forces and agree among themselves as to the best constitution for a governing body, I am sure we should be only too happy to meet their wishes, and establish this very successful dairy farm on a solid and permanent footing.

Mr. Lase.—Would it be competent for you to adjourn any decision upon this draft scheme under consideration, say for a period of two or three months?

887. Lord Justice FRANKLIN.—We need not adjourn, but our powers are limited as regards time. Our Act will expire on March 31, 1892, and up to that time it is open to anybody to apply to us to exercise our powers. We have no compulsory powers in this instance, because the £2,000, and any money that may be raised, must be since our Act passed; but it occurs to me that the only practical question is, whether a new scheme or a modification of the old one would offer the best prospect of giving you an institution for agricultural instruction and dairy teaching. There is no opposition between the powers of our Act and the powers conferred by the Technical Instruction Act. We could create a body to take advantage of

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U. J. Lase,
M.P.

Oct. 26, 1894.
W. J. LANE,
M.P.

the funds provided under the other Act, and a little examination of our procedure would show that no cheaper or more effective process ever existed. Any exercise of our powers can be stopped altogether by the action of the Privy Council or of either House of Parliament. But if the two Judicial Commissioners sign a scheme and it is not objected to by the Privy Council or in Parliament, it becomes equal in efficacy to an Act of Parliament, and all for a cost of a pound or two.

Mr. LANE.—I think I can almost promise on behalf of the whole community for which I am authorized by my position to speak, that there is the utmost anxiety to do everything in their power for the purpose of furthering this agricultural and dairy education. We know that a large body of farmers in the country have during the last year been made

through their pockets to feel the necessity of doing something in this way, but we have been prevented up to the present from co-operating with those gentlemen who are managing that school. I say that with very great regret, because I have had to acknowledge myself the invitations of the Committee to those meetings at the Dairy School, but things were so situated then and at present in the locality that I never could even see my way to taking part in any of their proceedings, though I should not say an objectionable use of any gentleman connected with it; but I think if this scheme is either allowed to drop or be adjourned for some time, it will be possible to submit some alternative scheme that will embrace the wishes of the whole community, and will be likely to receive the financial support of those authorities constituted under the Act of last year.

MR. MICHAEL ALLEN.

Mr Michael
Allen.

885. I object to the scheme on the part of the Cook and South of Ireland Agricultural Association. The main ground of my objection would be the constitution of the proposed Board of Control, and the extent to which that objection is held is shown by the fact that I find among the names of objectors that of Mr. James Byrne, the president of the Agricultural Association. He does not see his way to approving of the board proposed, knowing as he does it would be a decidedly unpopular institution. I agree with Mr. Lane that the Dairy School has done a certain amount of good. I believe it has tended to improve in some degree the make of butter in the South of Ireland, but I would not be prepared to admit, as somebody suggested a while ago, that the improvement which has taken place in the make of butter coming into the Cook Butter Market is altogether owing to the influence of the Munster Dairy School.

886. Mr. TRAILL.—It was not stated that it was altogether owing to that influence, but that a marked improvement had taken place.

Mr. ALLEN.—Mr. Bealish quoted Mr. Forrest as stating that he attributed the improved make of butter to the Dairy School.

Mr. FOREST.—I never made such a statement. I stated that an improvement had taken place in Mr. Forrest's opinion, and that he believed the improvement was in some degree due to the Dairy School. It is a question whether the opinion of Mr. Forrest, the head inspector, is as good as that of Mr. Allen.

887. Mr. ALLEN.—It is not altogether due to the Dairy School. It is due quite as much to the growth of general intelligence in agricultural districts. The agricultural portion of the Dairy School has not been a success, and that is no wonder considering we, as farmers, would decline to send our children to an institution where they would be only taught to make a loss. It appears that this institution has turned out a loss every year for the past twenty years, and that has

been paid by the Board of National Education. The farmers have no Board of National Education to pay off their losses for them. I think this institution is a standing reproach to the Government, as a monument of idleness and want of development. If you would postpone the matter for three months, or let it drop for the present, there might be some means of infusing some practical brains into the members of this Board.

888. Dr. TRAILL.—Would you say, as a practical farmer, whether or not it would be of importance to the country to have a Dairy Farm Committee?—Yes, certainly.

889. Do your remarks apply to this institution both as a Dairy Farm and as an Agricultural School?—No; I think it has been admitted that as a Dairy School it has been a partial success.

890. Do you think if the department for the males could be improved as successfully as the department for the females it would be successful altogether?—It would be a partial success altogether.

891. But how is it that it can be a success with regard to the Governing Body in one respect and a failure in others?—I cannot say.

892. How do you account for the fact that the girls' school has been the more successful one though the Governing Body would be likely to know more about the boys and their agricultural pursuits? Does it not arise from the fact that the local committee are responsible for the management of the girls' department, while the instruction of the boys is under the control of the Board of National Education in Dublin, and under a teacher appointed by them?

893. Mr. Justice O'BRIEN.—It may be that the means of improving the manufacture of butter are more obvious, more simple, and that it stands more in need of it than general agriculture.

Mr. ALLEN.—It happens that the lady in charge of it at present understands a great deal about the management of butter.

C. K. D. TANNER, M.D., M.P.

C. K. D.
TANNER, M.D.,
M.P.

I only learned of the proposed sitting last Saturday evening. I represent a purely agricultural constituency. I was speaking to a number of my leading constituents yesterday, and everybody I consulted agreed that this was only an effort to perpetuate an unpopular board, and to keep it up by the aid of the Grand Jury system. My object was to see what my constituents could tell me, and see what information I could derive from them, and also to learn what I could about the question by the arguments for and against which were placed before you. I think if you were to postpone this question, there ought to be no great difficulty in these various agricultural bodies coming together, and some scheme being devised that might meet with least objection from both

sides. I believe that the present body are not satisfied with the scheme that is suggested for adoption, and certainly on our side we must take objection against it.

894. Rev. Dr. MCELROY.—Should you be in favour of an effort being made to maintain the agricultural school?—Most decidedly.

895. Dr. TRAILL.—When you talk of the two agricultural societies coming together, are you in favour of amalgamation or of representation of both on the governing body?—I think certainly there should be representation of both.

896. You would not make it a condition to have a complete extinction of one?—No. The difficulty of the farmers was that they did not get representation on the old board—that it was altogether in the hands

of one class. I represent a farming constituency, and I stand by my own people. I do not see why there should not be fair representation of an important body like the new Agricultural Association.

Mr. Deasy, M.P.—I may point out that the com-

mittee of that association has been mainly appointed by boards of guardians and other public bodies, and it is probably the most representative body that has ever come together in Cork.

Oct.
C. K. D.
TAYLOR, M.P.,
M.P.

Mr. JAMES BYRNE

900. As one of the objectors to this scheme, I merely object to the representation on the board of management. I would not object at all to the promotion of agriculture. On the contrary, I am most anxious that agricultural education should be extended and promoted in every way; because in every civilised country the government and the people are making an effort in that direction. In America over two millions has been spent for that purpose. Even

in Wales they have started an agricultural college, and have free schools in connection with Ranger Colleges. It would be an entirely retrograde movement on our part if we did not encourage technical agricultural education in every way in our power. I agree, however, with Mr. Lane and other speakers that to make this matter anything like a success it should have the support of all parties in the country.

Mr. James
Byrne

Mr. T. O'SULLIVAN

901. I am one of the trustees of the Cork Butter Market, who are subscribers to the Institution to the amount of £25 a year. I hope that the trustees will have representation on the new board, as they take a great interest in the butter industry. Mr. Allen has stated that there is no great improvement in the butter.

Mr. Allen.—I did not make any such statement.

902. Mr. O'Sullivan.—I can testify from an experience of eighteen years in the butter market that there has been a wonderful improvement in the quality of butter coming into the market. I am closely identified with farmers in Kerry and Limerick who have largely benefited by this dairy school. Some of them

have sent their daughters there. The fee is something like £3. I have known cases where the price of butter has been actually increased one penny in the pound as a consequence of the dairymaid being educated in this school.

Mr. T.
O'Sullivan.

Lord Justice FitzGibbon.—That is the most practical proof we have got yet of the success of the school.

903. Mr. O'Sullivan.—There are numbers of applications for dairymaids educated in the dairy school. They can readily get £30 a year; whereas if not educated there the fee would be £14 or £15 a year. It has done an immense amount of good, and I hope that it will be largely extended.

Alderman HOOPER

904. I wish to explain that it was not in any factious spirit that I put my name to these objections. All the gentlemen who signed were animated by a sincere desire that this school should be put on a basis for the future that would make its governing body thoroughly representative. We may have our differences in this part of the country, but when a scheme is ever put before any assembly in Cork which appeals to our common interest, we are always found ready to settle our differences and come to a common basis of co-operation about it. Without going into details, I may say that public Boards constituted in that way exist, notably that which has produced the Blaney tramway. We have a School of Science and Art in which the Corporation, to which I belong, is very deeply interested. It was, I believe, the first Corporation in these kingdoms to levy a rate in aid of Science and Art, and the

whole of our present powers of levying one penny in the pound are exhausted. I think that though our powers under the Technical Education Act are somewhat forestalled by that, we would be willing to tax ourselves in the city to help any technical school in our own locality which would have our confidence, for the purpose of advancing Agricultural Science. The Cork Corporation are deeply interested in the improvement of the make of butter. We have an exceedingly large interest in the maintenance of the present Butter Exchange, for promoting local industry and employment, and also as receivers of tolls on butter entering into the city. It was not with a desire for any factious opposition that I signed my name to these objections, and I would be happy to act with others in trying to bring about a modus vivendi in this matter of representation on the Board.

Alderman
Hooper.

JOHN HEALY

905. As a practical farmer, Member of the Cork Agricultural Association, Member of the Macroom Board of Guardians, and Director of the Cork and Muskerry Light Railway, I am, perhaps, entitled to speak on this matter. The observations that have fallen from various speakers would seem to me to give too much prominence to the Dairy School. I quite agree that butter making is the principal industry of the agricultural classes, but unfortunately it would seem that department of the school has received much more attention and much more praise than the other. I am willing to give it every credit it is entitled to, but I am aware that several bodies in the county that have never had any acquaintance with the Dairy School are receiving enhanced prices for butter, simply owing to their own intelligence and enterprise.

906. Lord Justice FitzGibbon.—But do not you think that intelligence and enterprise are the best raw material for teaching?

Mr. Deasy.—I mention this in support of Mr. Allen's statement that the improvement that has taken place is owing as much to the natural intelligence of the people and the growth of education as to

the teaching of the Dairy School. But I would say there is an intense longing for the education afforded by the dairy department. The farmers of the county are anxious to get education as farmers, but they won't resort to a school in which they have not sufficient representation. The people are anxious in every department to get representation, and if you widen the basis of representation on the governing body of this school, I myself, as a practical farmer, would say that the farmers of the county would avail of it very fully; but if not, I am afraid it will be as useless in the future as it has been in the past.

Mr. John
Healy

907. Dr. TRAILL.—How would you propose to make it more attractive to the farmers' families?—By giving them better representation on the Board.

908. Would you be satisfied if the two Agricultural Societies were to amalgamate for the purpose of making a joint Board?—It would tend very much to it. I think the Boards of Guardians of the province should be asked to put forward the names of suitable persons for members, and out of them the governing body could be selected. It should be made a splendid success.

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Mr. John
Healy.

909. You would not wish to exclude the present committee—Certainly not. There are many men on this proposed list whom I would vote for at the first opportunity.

910. Rev. Dr. MOLLOY.—It would seem that the only part of this scheme objected to is that which regards the constitution of the governing body. So far as I can see, the criticisms submitted to us do not touch the main provisions of the scheme.

Mr. Healy.—It was only at ten o'clock this morning that I heard of this sitting for the first time.

911. Rev. Dr. MOLLOY.—If you would agree to some form of governing body which would be acceptable to all parties, the rest of the scheme might stand. You must remember you have here in Cork a working institution, the most successful agricultural institution in the South of Ireland, and one that is capable of great development. We have proof here before us that the Dairy School has already done much good, and that it is possible to greatly extend its usefulness. It would be a great pity to see that fine building going to ruin, or even to see it applied to other purposes less directly tending to advance the material interest of the country.

Lord Justice FITZGERALD.—And as it was going here until the local committee renewed it.

Mr. LANE, J.P.—The rest of the scheme is perfectly unobjectionable and would meet with general approval. The clause in reference to the constitution of the governing body is the crux of the whole question, and unless that is very largely modified I fear it will not succeed. I would make a suggestion if I thought it possible the scheme would be further considered, that elective powers should be conferred on the bodies which would, under the Technical Education Act, be contributory to the funds of the institution later on.

Mr. DENNY.—The only objection I take to the general scheme, outside that portion referring to the governing body, would be on account of the limitation of powers under the scheme.

912. Lord Justice FITZGERALD.—There is no limitation or curtailment of any power connected with agriculture.

Mr. DENNY.—Some of the communications which the Government had with the local committee would seem to indicate that the entire institution should be handed over, and wider powers should be conferred on the future governing body.

913. Lord Justice FITZGERALD.—There is no fear of agricultural operation that we did not intend to invade, and the powers conferred are very wide.

Mr. DENNY.—I merely say that if there is any objection to it at all, it is because we would not get over control of the establishment at once.

914. Lord Justice FITZGERALD.—But that we had no power to give you—you must get that from the Government after we are incorporated by the scheme.

Mr. DENNY.—Well, in some time not far distant we may get it.

Lord Justice FITZGERALD.—As every one has now been heard, I may conclude by expressing a hope that to-day may, after all, turn out not altogether useless. We have got much valuable information, and whether the Agricultural Institute comes to any thing or not now depends entirely upon yourselves. We can do no more than what this scheme proposes, namely, to form a body representative of the county and city of Cork and the adjoining counties to be specially charged with agricultural education; I include dairy farming. You all realise the necessity for some improvement in agricultural education. Though you may differ as to the degree of benefit that is conferred by this particular Dairy School, you all agree that you have something to learn in that line, and that an institution of some kind is needed in regard to it. A number of bodies have been mentioned,—the Trustees of the Butter Market, the Grand Jurors, the Corporation of Cork, the old Agricultural Association, the new Agricultural Society, the Board of Guardians—all these

have functions to perform or interests to promote in respect of this matter. We are an executive Commission with legislative powers, limited only by our schemes passing the Privy Council and Parliament without objection. In this particular matter we have no power of initiation, because we have no compulsory power over any endowment that did not exist in 1885. Anyone therefore who brings forward an application for the exercise of our powers to found an agricultural school in Cork must have some endowment on which we can operate. The only fund I know of which can be brought under our powers at present is that £2,000 given in 1887 by the Government. That is a very good nest-egg. It may be used for the purpose of framing a scheme upon it, provided the gentlemen who have charge of it consent. So far as regards that fund, we have no power to frame a scheme except with their consent. If any other body comes forward with a proposition, they must come forward with some endowment upon which we can operate, provided by subscriptions or in some other way. The power of voting money under the Technical Education Act would not be an endowment, and that Act cannot be evaded of until there is an institution in existence to which the money may be applied. It appears to me, as a person having no interest whatever in this matter except the desire to promote the interests of the community, that it would be well if those various bodies would communicate with one another—not in hostilities, but each by a few selected gentlemen—and let these representatives see what they can do. We will be most happy to do all we can to encourage or assist them. Dr. Molloy has spoken of this as the only agricultural institution from which we have got any encouragement to proceed. All the institutions connected with the one great subject in which the greater number of our countrymen are engaged, have failed up to the present, except this one Cork Dairy School. If you want to do any good, there must be consensus on both sides. You ought to try to get men on both sides to discuss this matter whose only interest is to improve the education of farmers sons and daughters. You have this fine school, a going concern, on which a very large amount of money has been spent, and which is doing a good work in the very direction that you wish to work in. Do not set up rival institutions until you first see whether you can agree to carry on the present school. The gentlemen who are working that not only deserve recognition in any plan you may take up, but as far as we are concerned, their consent and concurrence are necessary, if the £2,000 now lying idle is to be utilised. It is a mere question of expediency whether this existing scheme should be proceeded with, or whether a new scheme should be started on its own basis. At present we only say that we can proceed no further with this or any other scheme unless we receive from some of those interested a practical proposition on which to proceed. That communication may either come from the gentlemen engaged in carrying on the present Munster Dairy School or from any independent body, or it may come from a combination of both, and whenever it does come to us we shall be glad to take action. But you must not spend too much time either in doing nothing or in talking. It takes a long time to get one of our schemes through, it has to pass through so many stages, so many have to be consulted, that it would take at least a year. Our present ruling is—that we can proceed no further in regard to the scheme before us, in the absence of consent on the part of those interested to undertake the management of the institution which the Scheme sought to found, but we will be prepared at any time to receive a proposal from anybody to carry out all or any of the objects of this scheme, either by the same or by a new scheme.

The proceedings then terminated.

PUBLIC SITTING—FRIDAY, OCTOBER 24, 1890.

Oct. 24, 1890

At the Wooden Bridge Hotel, Co. Wicklow.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.D., M.B., F.R.C.P., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

THE CARYSFORT ROYAL SCHOOL ENDOWMENTS.

*(OBJECTIONS AND AMENDMENTS).

Lord Justice FITZGERSON made an introductory statement.

STEPHEN LANGRELL examined.

915. The Protestant inhabitants of Sheeanamere, for whom I appear, object to the provisions of the scheme giving the clergyman the management of the school. The rector will not work with us.

916. Lord Justice FITZGERSON.—Perhaps we might leave the Commissioners of Education to name the manager. What can we do for you?—We should have a school in Sheean as the Royal Carysfort School.

917. That is what we are trying to give you.

Mr. Langrell.—We claim it as a right.

918. The borough is gone.

Mr. Langrell.—But the school is there.

919. The scheme proposes to give you enough to maintain a proper school.

920. Rev. Dr. MOLLOY.—Were you at school at Sheean?—Yes; it was there I got any education I got.

921. Was it a good school at that time?—It was, and both the Roman Catholics and the Protestants went there.

922. Dr. TRAILL.—What was the greatest number that attended it?—There were up to 170 scholars; but not in the new schoolhouse. It was in the old thatched house we were taught.

923. Lord Justice FITZGERSON.—How far does Colonel Kennis live from Sheean?—About three miles.

924. Lord Justice FITZGERSON.—Has he any property in the immediate neighbourhood?—He has.

925. How far?—About a mile.

926. Mr. LITTLER.—where is his place?—About five miles off; Whaley Abbey is the name of it. He has a property at Sheeanabeg.

927. Mr. STRAHAN and Mr. WILSON, who are named

on the proposed committee, see the two Church-wardens?—Yes.

928. The Churchwardens by virtue of their office should be governors. How many vestrymen are there?—I am not able to tell you.

929. Have you a full select vestry of 12?—Yes.

930. Where do Messrs. Stephenson, Langrell, and Cross live?—On the estate.

931. Rev. Dr. MOLLOY.—Are you all satisfied with the committee proposed by Col. Kennis?—Yes. And we have no objection that our incumbent should take his place on the committee.

932. Lord Justice FITZGERSON.—If he is willing to act, are you willing that he should be the chairman?—If he fills the place, we have no objection to his being in his proper place.

933. Dr. TRAILL.—Do you mean that his proper place is that he should be manager of the school?—We would prefer Colonel Kennis.

934. Lord Justice FITZGERSON.—I believe heretofore at some distance?—At Rathdrum.

935. It might be well to let the nomination of manager be subject to the approval of the Commissioners of Education.

Mr. Stephenson.—We elected Colonel Kennis.

Mr. Langrell.—Have the committee power to elect their chairman?

936. Lord Justice FITZGERSON.—Your present appointment takes no effect until this scheme is passed.

937. Dr. TRAILL.—I suppose your selection of Colonel Kennis was by way of a suggestion of what you would like to do should you get power under the scheme to elect your own chairman?

Mr. Stephenson.—Yes.

J. CLANCY examined, having been sworn on a previous occasion.

938. Lord Justice FITZGERSON.—You represent the Roman Catholic inhabitants here?—Yes, I am a Roman Catholic.

Rev. Dr. MOLLOY.—We get no objection from the Catholic inhabitants, and unless you know of some, there is nothing to be said.

939. Lord Justice FITZGERSON.—There is no difficulty in your case, because the parish priest is the recognised manager of the Maureddin School. If you think at any time that it is necessary to enlarge the school we propose to help you to do that.

Mr. CLANCY.—The proposed grant is £150.

940. Lord Justice FITZGERSON.—For which you would get £300 more from the Government.

Mr. CLANCY.—The land is very small on which to build a teacher's residence.

941. Dr. TRAILL.—Where does the teacher reside at present?—At Anghrim, two miles off.

942. Lord Justice FITZGERSON.—This money will be in the hands of the Commissioners till you want it for building purposes.

Mr. CLANCY.—For what purposes?

943. Lord Justice FITZGERSON.—To enlarge the existing school buildings, to erect new buildings, or to erect a teacher's residence. We have no power to take land for you.

Mr. CLANCY.—There is just room to put a teacher's residence in the yard.

944. Lord Justice FITZGERSON.—We have no power to give you more land.

Mr. Justice O'BRIEN.—If there is £450 going you will manage to squeeze it into the place you have.

Lord Justice FITZGERSON.—The money will not be given till the Board's Inspector is satisfied with the site and plans.

945. Rev. Dr. MOLLOY.—Is it possible to get land in the immediate neighbourhood?—Not for a teacher's residence. Mr. Acton would not give a site for it.

946. Rev. Dr. MOLLOY.—I don't see that we can get land for you. We can give you £150. Can you suggest anything more?—Except the £150 was allowed to build a teacher's residence and repair the school.

* See Appendix B, No. III., 1890, p. 205.

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Mr. J. Clancy.

947. Rev. Dr. MOLLOY.—That is just what the Scheme provides.

Mr. Justice FRINGHAM.—You can apply the £450 any way you like if the National Board agree.

948. Dr. TRAILL.—Could you not put in a clause giving them power to buy a piece of land?

Lord Justice FRINGHAM.—If they get the land this money is too small to do more than build the school and teacher's residence.

949. Dr. TRAILL.—Is there any locality near the school where you could move this school to?

Lord Justice FRINGHAM.—Father O'Brien told us he would not move the school up to the Royal School even if he got it.

950. Professor DOUGHERTY (to witness).—Does all the land in that neighbourhood belong to Mr. Aston?—No.

951. Is there no site you could get between Maccoddin and Anghrim?—I could not say.

952. Dr. TRAILL.—What other owners of land are there in the neighbourhood?—The Earl of Meath owns some within a quarter of a mile on the Anghrim side.

953. Rev. Dr. MOLLOY.—If you enlarge the school by raising it, there would be room enough for a teacher's residence on the site you already have?—There would be.

954. Lord Justice FRINGHAM.—You might have the boys school on the ground floor, and the girls school overhead?—It could be done.

955. If you cannot do that, you must try to get additional land for a teacher's residence.

Mr. Clancy.—If the land is sufficient, could we have the right to build a teacher's residence adjoining the school?

956. Lord Justice FRINGHAM.—You can do that under this scheme as it stands, provided the Board of Works and National Board are satisfied with the plans.

Dr. TRAILL.—It would be better to have the two schools on the same floor—one for males, and the other for females, and look for a site for a teacher's residence a little further off.

Mr. Clancy.—The school is in two parts on the ground floor—one for males, and one for females.

957. Rev. Dr. MOLLOY.—We thought it wanted improvement.

Mr. Clancy.—So it does.

Rev. Dr. MOLLOY.—We are going to give you £150, and with that you can get £300 from the National Board.

958. Lord Justice FRINGHAM.—And you can draw £30 besides for equipping the school. There is a provision also that the Arklow people, if you ask them, must send up a technical teacher once a week to give instruction in the National Schools of the Carbury district.

J. STEPHENSON examined.

Mr. J.
Stephenson.

959. Mr. Stephenson.—I object to the provision that the grant should cease on the number of children attending the school going below fifteen. It is a great hardship at present for children to have to go two miles to school in wet weather. I had to send a cart yesterday to bring three home in the rain.

960. Lord Justice FRINGHAM.—It looks unreasonable that if you once lose your average you never can get the endowment back. If the average goes below fifteen, the grant might be suspended or should not

exceed a certain sum per head, but whenever you got your number back you should again get the full sum.

Mr. Stephenson.—They have to go to Ballinacorney. It is a great inconvenience. Yesterday, I went to meet them in the wet.

961. Lord Justice FRINGHAM.—We are all anxious to give you a school.

Dr. TRAILL.—They are the tenants on the estate.

Mr. Stephenson.—I was educated there myself fifty years ago.

ROBERT PHILPOT examined, having been previously sworn.

Mr. Robert
Philpot.

962. Lord Justice FRINGHAM.—Mr. Philpot, are there separate registers for fishing boats and for other vessels?—I think they are separately registered in Dublin.

963. Professor DOUGHERTY.—Is Dublin the principal port of the district?—Yes.

964. Lord Justice FRINGHAM.—Could you tell us the tonnage of shipping as distinguished from fishing boats, or what number of ships there are registered from Arklow?—I could not, but there are a considerable number registered in Arklow, and a large number trading there though registered in the port of Dublin.

965. Rev. Dr. MOLLOY.—Your proposal is that we should give representation to the registered owners of trading vessels, as well as registered owners of fishing boats, provided they reside in Arklow?—Yes.

966. Lord Justice FRINGHAM.—In both cases they should be resident in Arklow?—Yes.

967. Professor DOUGHERTY.—Would you confine the representation to fishing boats?—No; but the owners should be resident in Arklow, no matter where the vessels might be registered or where the vessels were trading.

968. Dr. TRAILL.—You don't refer to cases where a man might take shares in a company which owned vessels not trading to and from Arklow?—No.

969. Where, for instance, a man might own one sixty-fourth part of a vessel?—That small ownership would not apply in this case, because I think the smallest proportion is eight sixty-fourths. In Arklow it ranges from a quarter to more generally one-half.

970. At any rate you would not take the owner of a vessel built in Derry—you would not give him a vote?

Professor DOUGHERTY.—Why not, if he resided in Arklow?

971. Dr. TRAILL.—Suppose the vessel traded to China—Professor Dougherty did not limit his question to vessels connected with Arklow—but if a person had a share in a vessel trading anywhere, would you give him a vote merely because he resided in Arklow?

Mr. Philpot.—I don't think that is the intention.

972. Lord Justice FRINGHAM.—Do you mean that every owner should have a vote who has an interest in a local ship engaged in the coasting trade, if he resides in Arklow?—Yes.

973. The man should be resident in Arklow, and the ship should be registered in Dublin?—Yes.

974. We cannot settle it now, but we can examine the registry and ascertain how the franchise is to be defined. In the Dublin Port and Docks Board Acts there are certain classes of registered shipowners with the right to vote.

Mr. Philpot.—It is not intended to include shareholders in public companies.

Professor DOUGHERTY.—I did not refer to public companies, but to persons holding shares in ships.

975. Dr. TRAILL.—But do you mean ships trading anywhere?

Professor DOUGHERTY.—Anywhere.

Mr. Philpot.—They should be registered in Dublin. Lord Caryfort.—These are ships registered in Dublin that trade to different parts of the world.

976. Lord Justice FRINGHAM.—If the ship is registered in Dublin, and the owner is resident in Arklow, he will have the franchise no matter where the ship goes. He may charter his ship to-day to go

between Arklow and Dublin, and to-morrow to go to San Francisco.

977. **Rev. Dr. MOLLOY (to Witness).—**Do you propose that each owner should have a separate vote?—I think each should have a vote.

978. Then if one boat is owned by eight fishermen each would have a vote, while another boat owned entirely by one man would only give one vote. But they might make a scheme.—

979. You think, then, that if one fishing boat is owned by eight men, each should have a vote?—Of course.

980. **Lord Justice FITZGERSON.—**We must compare the franchise of the Dublin Port and Docks Board, and define a certain amount of value to give a vote.

REV. JAMES DUNPHY, R.P., ARKLOW.

984. **Father Dunphy.—**At present there are a large number of boats on which Government money has been lent; they have all an equal share in that boat. Would they have an equal right to vote?

Mr. Justice O'BRIEN.—Each man must have the right to vote. In the mercantile marine it is always given to a part owner.

Lord Justice FITZGERSON.—There might be a provision that the part owners shall nominate one person to vote for the ship. I think that is the case in the Dublin Port and Docks Board. We must find out the practice. It would be absurd to give eight votes to a fishing boat and only one vote to a big vessel.

985. **Dr. TRAILL.—**Would you think it advisable that the part owners should have at least an interest of £5 or £10?—Some of these boats cost at least £600 or £700.

986. These are the trawlers. What would be the limit?—There are only six or eight persons concerned in them.

987. Suppose there was a small fishing boat of the value of about £80 owned by eight people, would you give them eight votes?

Mr. Justice O'BRIEN.—There is no ascertaining the value of boats. One man, one vote, is the only practical way.

988. **Rev. Dr. MOLLOY.—**Here is the clause we have put into the draft scheme:—

"In the aforesaid election the registered owner of each fishing boat shall be entitled to one vote, and if two or more persons are registered as joint owners of the same boat they may designate one of their number to vote for them." Page 7, Section 11.

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993. **Lord Justice FITZGERSON.—**About the Arklow Board.—**Lord Cairnsford,** have you anything to say?

Lord Cairnsford.—I think it is very desirable. As far as I can make out from the scheme, it would be impossible for the Protestants to have any representation on the board. Even if all the elected members were Protestants there would still only be an even number. And I think the result would be that no Protestants would take part in the school and the subscriptions from that body would fall off.

994. **Mr. Justice O'BRIEN.—**Is it not in the power of the subscribers to overturn this balance?—The best they could do would only put them on an equality.

995. This Commission must confine itself to what it considers strict justice?—It would be quite impossible for the Protestants to have a majority.

996. How do you say it would be impossible?—Because if all the representatives of the subscribers were Protestants it would only put them on an equality.

997. **Dr. TRAILL.—**Why should you ask for a Protestant majority?—I do not ask for a Protestant majority.

Mr. Philpot.—I think it should be settled on that basis.

998. **Professor DOUGHERTY.—**Why should you exclude shipowners in Arklow of ships that are registered elsewhere than in Dublin?—I understood there is a difficulty about including vessels registered in other ports.

999. What is the difficulty?

Mr. Justice O'BRIEN.—There may be the difficulty of access to the registers in other ports.

1000. **Professor DOUGHERTY.—**It is the easiest possible thing for the registered owner of a share in a ship to produce the registry.

Mr. Philpot.—If that can be done he should vote.

It would seem unreasonable that the ownership of one boat should give eight votes, and the ownership of another should give only one.

Father Dunphy.—Except on the principle of valuation.

1001. **Lord Justice FITZGERSON.—**What do you say to the clause as it stands?—I have no objection to that as it is.

1002. Something must be done with regard to the owners of larger vessels, and if there is any danger of making eight votes on the one hand, or of giving insufficient representation on the other, we must arrange it. Since this scheme was framed we have ascertained that the Town Commissioners are not the Local Authority under the Technical Instruction Act, but the Board of Guardians; and they can put on a rate of a penny in the pound for the school. Who are the guardians for Arklow?

Mr. Philpot.—It is in Rathdrum Union.

1003. Would it not be of importance that the Local Authority, the Board of Guardians, should have these votes, instead of the Town Commissioners?

Father Dunphy.—How many more was it proposed to give from the Commissioners in addition to the chairman?

Mr. Justice O'BRIEN.—Two.

1004. **Lord Justice FITZGERSON.—**We put them in under the belief that they were the Local Authority.

Mr. Justice O'BRIEN.—The people who have the money to give ought to have the votes.

Father Dunphy.—I think that is quite right.

1005. Why not be content with a Protestant equality?—Supposing the subscriptions to be equal, the representation ought to be equal.

1006. **Lord Justice FITZGERSON.—**Which way is the majority in the Rathdrum Union among the guardians?—I think it would be always on the other side.

1007. **Lord Justice FITZGERSON.—**Who is the chairman of the Board?—**Mr. Testenham.**

Rev. Dr. MOLLOY.—It is provided by the Act of Parliament that the Local Authority must have representation if it levies a rate.

1008. **Mr. Justice O'BRIEN.—**What do you say to giving votes in proportion to the amount of subscriptions?—I don't think there ought to be any limit at all.

1009. That plan exists in infirmaries and other institutions. It is the object to draw as much money as we can from the subscribers. Would you, Father Dunphy, see any reasonable objection that there should be a committee elected by the subscribers in proportion to the aggregate amount of the subscriptions?

Father Dunphy.—I think the more money got the better. We would be all inclined to act in harmony

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and together. I think the larger the number the better, and that as there is nothing in the nature of the subject to raise the question, no distinction should be made between Protestant and Catholic. I am sure we will all work harmoniously for the benefit of the town.

Lord Justice FRANKLIN.—If you will only follow the example of the people at Baltimore you will get on very well. This is not to be a school for teaching religion.

1003. Rev. Dr. MORRIS (to Mr. Philipps).—Would it meet your view if we gave a right to the subscribers to elect representatives according to the annual amount of the subscriptions—say three representatives if £100 is collected, five for £200, six for £300—that is to increase the number of representatives on a graduated scale, according to the amount of the annual subscription?

Mr. Philipps.—On that principle would a man who subscribed £1 have the same vote as the man who gave £10?

Lord Justice FRANKLIN.—He should not have the same voting power, nor should a man be allowed to pay £1 to-day and to vote to-morrow.

1004. Mr. Justice O'BRIEN.—In this case there are no rates to be levied, no officers to be disposed of. There are no emoluments to lead to this great struggle for ascendancy. There is nothing in the subject that should give rise to the question of Catholic and Protestant. Of course the more money that can be got is the better.

Lord Carysfort.—I think they would work harmoniously together; but it would be desirable that the trustees should be equal, and that the majority should depend on the subscriptions.

1005. Lord Justice FRANKLIN.—The total amount of the public money will be very small. The amount available from the Carysfort Royal School Fund will be about £50 a year, with the original grant which we propose of £500. Taking that as worth £50 a year, about £50 a year will be the largest amount that we could give you out of this fund. The guardians can give you, if they like, a rate of a penny in the pound.

Rev. Dr. MORRIS.—We tried to keep clear of any reference to religion in this matter.

1006. Lord Justice FRANKLIN.—Is there any objection to giving the turn of the balance to the money, leaving the subscribers to elect the preponderating body?

Father DUFFY.—I think the scheme ought to be for the advantage of the majority. I think it would be wrong to leave it to money subscription.

1007. Lord Justice FRANKLIN.—But it is only money that can make this school at all. It is not a question of an institution for which funds are already provided; and whoever advances the endowment ought to have a voice, and I would say a preponderating voice, in the government of it.

Father DUFFY.—The money coming from Sheema is for the majority of the population. There is no infirmity in the county, and not one single Catholic upon its Board.

1008. Dr. TRAILL.—That is because they don't pay up.

Mr. Philipps.—Any person who subscribes to the fever hospital is a governor.

1009.—Mr. Justice O'BRIEN.—The bigger purse is on the one side, and the larger number on the other.

Father DUFFY.—Will we have an opportunity of meeting these objections before the scheme is sanctioned? They were not put before a meeting of the inhabitants at all.

1010. Lord Justice FRANKLIN.—By our Act of Parliament we are bound to hear the objections as we are doing here to-day, and we might sign the scheme to-morrow and send it to the Privy Council. All parties have a right to object before the Privy Council, and if any one is not satisfied with the decision of the Privy

Council he may go to either house of Parliament. But we have always found it well to give the parties interested an opportunity of seeing the scheme before they leave our hands. We will amend the scheme on the points that have been brought before us, and we will not sign it till we send it down to you. We cannot promise to come down here again, but we will be glad to consider any representations that you may think it desirable to make in writing.

Mr. Justice O'BRIEN.—You might take an opportunity of suggesting some mode by which the difficulty as to the majority of the representation might be got over.

1011. Rev. Dr. MORRIS.—Would it answer if we kept the representation of the Town Commissioners as it is, and gave a representation to the subscribers according to the amount of the subscriptions?

Father DUFFY.—I think it would. But I would not like to give it as my opinion without further consideration. By taking one off the Town Commissioners and giving it to the shipping interest you give it to the other side.

1012. Dr. TRAILL.—Would not the owners of fishing boats all go the one way?

Father DUFFY.—The boats would be doubtful.

1013. Lord Justice FRANKLIN.—The local Committee might give us names to go into the scheme in the first instance—we drafted it without any local information; we therefore could put in no names, and merely mention three Town Commissioners and Lord Carysfort. If we can now get good names we can start the scheme with the governing body ready made. For example, the part of Homet would be left out without Mr. Philipps.

Lord Carysfort.—I was going to propose Mr. Philipps as my representative.

1014. Lord Justice FRANKLIN.—But your representative can only act in your absence, and Mr. Philipps ought to be on in his own right.

Mr. Philipps.—I have no desire to be made a permanent trustee. These objections don't emanate from myself. They emanated from a meeting of persons interested in the scheme. I did not put my name to them as a supporter, but at the request of the meeting when I got these objections to forward to the Commissioners, I wrote to Mr. Condon, but there should be say apparent duplicity in my writing for the meeting. Mr. Condon took no notice of my letter, and therefore I felt constrained from giving any further explanation. So far as I could understand there is nothing in these amendments prejudicial to any portion of the community, and had I been requested I was quite as prepared to send forward objections on behalf of the Roman Catholics as on behalf of the Protestants.

1015. Lord Justice FRANKLIN.—Mr. Condon is chairman of the Town Commissioners?

Mr. Philipps.—He is. I thought it right to let him know; and had he come to speak to me, I would have given him the information. It has been suggested by Dr. Molloy, that the representation of the Town Commissioners should remain the same. I don't think that would recommend it to the other side.

1016. Mr. Justice O'BRIEN.—You heard it stated that since the scheme was framed the Board of Guardians were discovered to be the local authority.

Mr. Philipps.—The meeting thought that the representation of subscribers should be increased. They thought that as this is a navigation school, the shipping interest should be the preponderating influence and that the Town Commissioners should have one representative and the shipping interest the other two.

1017. Mr. Justice O'BRIEN.—How would the board of guardians be likely to go?

Rev. Lawrence Farrelly, &c.—In the board of guardians they have a sweeping majority of offices.

1018. Dr. TRAILL.—How could they have a sweeping majority of ex-officio guardians when the guardians are one half elected and the other half ex-officio?

Father Farrelly.—I meant that all the ex-officio guardians, excepting one or two, are on the other side, and a good many of the elected guardians as well.

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Rev. R. C. HOLLOWES (Incumbent of Arklow) examined, having been sworn on a previous occasion.

1019. I would suggest that clause 26 should read: "At all times except on Sundays when the buildings," &c. Under that section as it stands, it is open to the trustees to have the buildings used for any educational purpose, religious or otherwise, on Sundays. This would bring in the question as to whether it should be used on Sunday or not.

1020. Rev. Dr. McNEILL.—"At all times when the school schools shall not be occupied"—would that meet your view?—The words "other educational purposes" ought to be defined.

Lord Cairns.—I think if that could be done, it would save a great deal of friction.

Rev. R. C. Hollowes.—The parish priest has expressed a wish that this should be used without any fiction.

1021. Lord Justice FRYGEMAN.—These buildings are to be raised, to a great extent, by local funds, and probably the best plan would be to put in "for purposes approved by the Commissioners of Education." There ought to be no special mention of Sundays.

"At any time, when the buildings shall not be required for the purpose of Technical Education, the trustees may, subject to the other provisions of this Scheme and to any rules and regulations for the time being applicable thereto, permit the same to be used for such other educational purposes as the trustees, with the approval of the Commissioners of Education, may approve."

We don't want to condemn these buildings to inutility, nor, on the other hand, to suggest that they should be used for purposes that would cause friction.

Lord Cairns.—There are other buildings available in Arklow.

Father Murphy.—There is one building that was handed over to the Commissioners for public purposes, and on several occasions I applied for the use of that building for charitable purposes, and on one occasion particularly I applied for it for a lecture for the poor, to be delivered by Mr. Corbet, M.P., who volunteered to give a lecture on "A Tour through the Adriatic" but the trustees requested that we should submit the lecture to them before it could be permitted; therefore that hall is not available for public purposes.

Rev. R. C. Hollowes.

Rev. Wm. HARPUR examined, having been sworn on a previous occasion.

1022. I represent a religious denomination that has taken a very practical interest in the work of education as far as its means have enabled it to do so. In Arklow we have a school under our management attended by about 100. About one-half were members of the Church of Ireland. They are so nominally, yet very many of them attend our Sunday School and our congregation and are connected with us as adherents. On the former occasion I was taken by surprise, and I did not expect to have anything to state. At that time when asked the extent of our membership I stated it as 150. I thought of what our congregations frequently reached; that would represent our Sunday congregation. But on reckoning up within the last day or two I find that we are over 350 in Arklow, and that we have connected with us thirty persons engaged in traffic on the sea, who are over 100 with their families. This school being a technical school, and one branch of it being for navigation, we think that having as many as that engaged in the shipping our claim to representation would commend itself to the Commissioners.

1023. Dr. TRAILL.—Would not they be indirectly represented according to the Scheme?—They are not shipowners. They are masters, mates, and able-bodied seamen, not owners. We are the only denomination in Arklow that is not represented.

1024. How are the Presbyterians represented?—There is no Presbyterian church in Arklow, and there is no resident minister.

1025. Lord Justice FRYGEMAN.—We were in some measure guided by the Census Returns, which gave the number of Roman Catholics as 2,019 males and 2,398 females; Protestant Episcopalians, 367 males and 440 females; Presbyterians, 3 males and 1 female; Methodists 21 males and 27 females. All others, 34 males and 3 females.

Rev. William Harpur.—That must be utterly misleading.

1026. Lord Justice FRYGEMAN.—These are the figures for Arklow parish. For the township the Census Returns give Roman Catholics, 1,789 males, 2,100 females; Protestant Episcopalians, 340 males

and 432 females; Presbyterians, 2 males; Methodists, 36 males and 60 females. All other denominations 37.

Rev. Wm. Harpur.

Rev. William Harpur.—Anyone who knows anything of our congregations in Arklow knows that I am stating what is substantially correct as to the number of Methodists. I mean of persons who accept my pastoral oversight, and who attend my church. In reference to representation on the board of trustees, it is not a personal matter at all. My time will be up in June next. I shall then be leaving Arklow. Mr. Philpot is a member of my Church—he and his family.

Dr. TRAILL.—There is no doubt that the Methodists are one of the highest educational bodies in Ireland.

1027. Rev. Dr. McNEILL.—Mr. Philpot, as to section 23, which provides for the application of the endowment, may we understand that the provisions there contained are regarded as satisfactory?

Mr. Philpot.—I think so.

1028. Lord Justice FRYGEMAN.—You all seem to agree that equality is the best method of arranging the fixed representation; perhaps Father Murphy, with the assistance of his curate, will devise some means of balancing the different bodies. We will be glad to get from each of you a written statement, and especially glad if you could furnish us with representative names to be inserted in the scheme, so as to start the governing body in the first instance.

1029. Lord Cairns.—What number of names?

Lord Justice FRYGEMAN.—Four from each side. We do not bind ourselves to accept them, but we will consider them.

1030. Dr. TRAILL.—Father Farrelly, suppose there are two representatives put on for the board of guardians, would you be satisfied if one was put on by the elected guardians and the other by the ex-officio guardians?

Father Farrelly.—I think so, but I would not be prepared to say off-hand.

1031. Dr. TRAILL.—Would you object to that?

Father Farrelly.—I would not object.

The inquiry then terminated.

PUBLIC SITTING—FRIDAY, OCTOBER 31, 1890.

At the Killinchy Schools.

Present:—ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A.,
Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A. was in attendance.

Professor DOUGHERTY made an introductory statement.

Mr. MULLIGAN, B.L., instructed by Mr. John P. Mulligan, of Belfast, appeared for the Remonstrant Congregation of Killinchy.

Rev. Alexander Wilson, Minister of the Remonstrant Presbyterian Congregation of Killinchy, appeared in person.

BALLYDORN NATIONAL SCHOOL.

1032. Professor DOUGHERTY.—Is Mr. Morrow, the manager of the school, present?

Mr. Mulligan.—He is. I think I can shorten this inquiry very materially. This school at Ballydorn was built in 1836, under the direction of and by money which was actually given by Mr. Hamilton Patton. He was landlord and owner of the ground on which the school was built, and he must have made a grant of the land in fee, for no rent has been paid for it at any time by the manager of the school; in fact he was himself manager and patron of the school and had the whole management of it.

1033. Dr. TRAILL.—Was it held in fee simple?
Mr. Andrew Morrow (manager of the school).—There was no deed.

1034. Professor DOUGHERTY.—I see in the report of the Commission of 1880, "Lord Lieutenant's Fund, £90 15s. 4d.; subscriptions, £81 7s. 4d.; Allen Ralph, grant, 26th April, 1824."

Mr. Andrew Morrow.—There is nothing about that; there has been no regular endowment of the school whatsoever.

1035. Professor DOUGHERTY.—Do you know any thing about this gentleman, Allen Ralph?

Rev. Alexander Wilson.—I heard Allen Ralph was the head landlord, and gave a lease to James Stewart, and that lease is still in existence, and upon it this schoolhouse was built, and Mr. McCann, nephew of Mr. Patton, holds this lease.

ANDREW MORROW sworn, and examined by Mr. Mulligan.

1039. You are manager of this school?—Yes, since May, 1868.

1040. Do you know of your own knowledge who was manager before you?—Yes; my brother-in-law, Mr. Hamilton Patton, jun., of Ballydorn.

1041. Was he connected with the Non-Subscribing Presbyterian Church?—He was.

1042. What are you yourself?—The same.

1043. It is stated that Mr. Hamilton Patton himself was manager of the school too?—Yes; Mr. Hamilton, the father, was manager from the time the school was built.

1044. What was he?—He was the same.

1045. Professor DOUGHERTY.—That was the gentleman who had the ground where the school stands?—Yes.

1046. Mr. Mulligan.—He was a tenant of Allen Ralph's?—Yes.

1047. Do you know to what denomination he belonged?—No.

1048. How many children attend the school—on the average?—About 56.

1049. Can you tell how many of those children are Non-Subscribing Presbyterians?—I think there are only four families of the Rev. Mr. Moore's Congregation represented.

1036. Professor DOUGHERTY.—Does it refer to the site of the schoolhouse?

Rev. Mr. Wilson.—I cannot tell that; I believe Mr. McCann has it.

Mr. Mulligan.—My instructions are that there is no information about it at all. I am greatly taken by surprise as to this statement about an endowment. There can be, we say, no endowment to this school at all. If endowed, it is for the 84 children attending the school, some 44 of whom attend, or are connected with, the Remonstrant Congregation. There is no inquiry needed, and the holding of it caused a considerable amount of surprise here.

1037. Professor DOUGHERTY.—We have received a document signed by Samuel Morrow objecting to the school being included in the Scheme for the Diocese of Down, Connor and Dromore.

Mr. Mulligan.—On what grounds should an inquiry be held regarding the Ballydorn school?

1038. Dr. TRAILL.—If you want to exclude it from our jurisdiction you must show that it was endowed for one denomination only.

Mr. Mulligan.—Well, I think we can do that. I can prove that the school is worked, and has been worked, by a particular denomination, and I would ask the present manager of the school to give evidence.

Mr. Andrew Morrow.

1050. How many children would that represent?—It might be 7 or 8.

1051. You have held, I believe, a Sunday School; or at least the minister of the Remonstrant Church has held a Sunday School here?—Yes, in the afternoon.

1052. Was that ever objected to?—No.

1053. You know the place since 1836?—I know it since I was a little boy; I know it for over 50 years.

1054. And no other religion has been taught there?—Not that I know of.

1055. Would any other person, as far as you know, have a right to go there?—No.

1056. Professor DOUGHERTY.—Are you speaking of the date of the grant?

Witness.—Yes, sir, the last 50 years.

1057. Since it came under your knowledge?—For the last 50 years.

1058. Mr. Mulligan.—I would say the Act of 1844 would apply here (reads 7 and 8 Vic., cap. 15, sec. 2).

1059. Dr. TRAILL.—That only applies to places of worship.

Mr. Mulligan.—It deals also with Sunday Schools, and I would apply that argument to the evidence we have had now.

1000. Professor DOUGHERTY.—This is a National school, provided for children of all denominations. If it were a private school, and you succeeded in showing that the governing body was of a particular denomination, and that the school was built by a particular denomination, the case would be different.

Rev. A. Wilson.—I think we are prepared to prove that almost.

Mr. Mulligan.—For upwards of 50 years this school has always been considered to be the property of the Remonstrant Presbyterians, who had exclusive control. The Remonstrant Congregation object to any inquiry being held, as they are not aware of its being an endowed school.

1001. Professor DOUGHERTY.—We are bound to have respect to the spirit of the intentions of the founder. That is provided by the Act.

Mr. Mulligan.—We want to establish our right to the management of the school.

1002. Professor DOUGHERTY.—And you will perhaps address yourself to that point.

Mr. Mulligan.—As to the management of the school, it has been shown that it has always been in the hands of Unitarians, and there is nothing to make you believe that Mr. Patton, who granted the site, was not a Unitarian also.

Rev. Mr. Wilson.—We can prove that he was from the minutes of the Congregation.

1003. Professor DOUGHERTY.—In which is this site varied at present? Is it in Mr. McCrow, or in the representatives of Hamilton Patton, or Allen Ralph? Mr. Mulligan.—I cannot say.

1004. Professor DOUGHERTY.—Do you know any thing of the deed of foundation?

Witness.—There is no rent paid for it; Mr. Patton holds the farm of land on which it sits; that land is held in perpetuity.

1005. Dr. TRAILL.—Was it conveyed by Mr. Patton to trustees?—Mr. Patton appointed his own son in his stead; there were no trustees.

1006. But who gave the site originally; was it Mr. Patton's father?—Mr. Patton's father I believe.

1007. To whom did he give it: it appears that the original grantor of the land was Allen Ralph, that is stated in the printed report of the former inquiry?—He was the landlord and Mr. Patton was the tenant.

Mr. Mulligan.—We have proved the denomination of the original manager of the school, and also of the present manager.

1008. Rev. William Fidd Martin, B.L.M. (to Witness).—What was the date of the founding of the Remonstrant Congregation?

Witness.—About 1836.

1009. And which Congregation did he belong to then?—It was the Congregation belonging to Synod of Ulster.

1010. Are you aware that Allen Ralph was a member of First Corner Presbyterian Congregation?—No, I don't say that; I never heard that.

1011. Dr. Fidd Martin.—From the report of the Commission of 1855, it is clear that the grant was given by Allen Ralph. The lease of the school was

made in 1834. I understood you to claim that Mr. Patton, from what has been here stated, was the grantor of the site for the school, and I think that was the point made, which is contrary to the record of the Commission of 1853.

1012. Dr. TRAILL (to Witness).—Where is this lease; have you it with you?

Witness.—No.

1013. Professor DOUGHERTY.—How were you appointed manager of the school?—By my brother-in-law, Hamilton Patton, junior.

1014. And you propose to appoint your successor?—I suppose I can do so.

1015. Is there any endowment connected with the school?—No.

1016. Can you tell us the number of children in attendance at it?—Forty-three yesterday.

1017. What number of them were boys?—Well, indeed, I cannot tell.

1018. Dr. TRAILL.—There were only eleven boys yesterday; the rest were all girls.

1019. Professor DOUGHERTY.—Can you account for that great discrepancy between the number of boys and girls?—At this season boys are kept at home to gather potatoes.

1020. Dr. TRAILL.—There were forty-six at school to-day; altogether, boys and girls.

Witness.—Little boys as soon as they can do anything are kept at home to work.

1021. Are there generally three girls to one boy?—No.

1022. That was the proportion yesterday?—I think so.

1023. Professor DOUGHERTY.—To what class does the female teacher belong?—The third class.

1024. And how is she paid?—She receives her salary and the fees from her pupils, and also the rental fees.

1025. Are they all paying pupils?—Yes.

1026. How are the repairs to the schools effected?—Sometimes we have a scribe and sometimes a concert, and we then endeavour to secure something to pay for such expenses.

1027. How are the funds for the building of the school obtained?—From the Lord Lieutenant's Fund as it was called.

1028. You have no record to show where the money came from by which the school was built?—No.

1029. Have you a minute book?—No.

1030. I see by the last report that £50 15s. 4d. came from the Lord Lieutenant's Fund, and that £51 7s. 4d. was raised by subscriptions; do you know who were the subscribers?—No.

Rev. Mr. Wilson.—As far as I know everyone is content with the existing manager of the school.

1031. Rev. Alexander McCrow (Killybegh).—Was there a Mr. McCann associated with Mr. Patton in raising money for the schoolhouse?

Witness.—I have heard so.

1032.—At the time it was built was there a Non-Subscribing Minister in the Parish?—There was a Presbyterian Congregation.

Rev. ALEXANDER WILSON sworn, and examined by Mr. Mulligan.

1033. You are minister of the Remonstrant Presbyterian congregation of Killybegh?—Yes.

1034. Is this (produced) the report of your Congregation?—Yes, I received it from the Treasurer, who is the one with whom the books are usually in custody.

1035. Do you see the name of Mr. Patton there?—Yes; as chairman of the Committee, 15th April, 1836.

1036. Which Mr. Patton is that?—Father or son?—This is the son.

1037. Of what Committee is he member, or rather, chairman?—He is chairman of the Committee in connection with the Remonstrant Church.

1038. Dr. TRAILL.—He was son of the original Mr. Patton?—Yes.

1039. They were both named Hamilton Patton?—Yes.

G-5. 21. 1890.
Mr. Andrew
Mason.

Rev. Unsubscribing
Witness.

Oct. 21, 1886.

Rev. Alexander Wilson.

1101. Professor DOUGHERTY.—Can you give me the date of Hamilton Patton's appointment?—In 1835.

1102. Dr. TRAILL.—That was the date of the split as it is called?—The school was opened in 1827, and it was

put under the Board in 1835, and it was the original Mr. Patton was manager.

1103. Professor DOUGHERTY.—Who managed the school between 1827 and 1835?—Mr. Patton.

Dr. EDWIN PRINGLE examined.

Dr. Edwin Pringle.

1104. I think I can express the views of a great many people in the district on this matter. I am probably more acquainted with the views of the community on this subject than, perhaps, any one present. I say this school has always been recognised as being connected with the Remonstrant Presbytery. The previous minister of it was the Rev. Samuel Watson, of whom the Rev. Alexander Wilson is the successor.

1105. Professor DOUGHERTY.—What Church do you belong to?—To the Remonstrant Body.

ALEXANDER GORDON SWEN and examined.

Mr. Alexander Gordon.

1106. I appear here as landlord of the village adjoining this school. It is called Ardmillan and I wish to express the feeling of the people of that village and of the neighbourhood generally.

1110. Professor DOUGHERTY.—Have you any connection with Allen Ralph, whose name is mentioned in the last report?

Witness.—No; this is different property. It is called Ardmillan School at present, and I wish to show, with your permission, how well satisfied the people are with the working of the school at present, and to point out to you that at the time of the split (as another witness will tell you) of the Presbyterian Body in 1835, all the people in the adjoining townlands and in the village of Ardmillan, went over to the Rev. Mr. Watson's congregation, with the exception of four. A witness named Samuel Stewart will prove that. I have a memorial here from the parents and guardians of the children attending the school. There are about fifty children at the school, and I have a list here of the signatures of twenty of these parents and guardians. I was in among them and not a single one expressed discontent with the school in any particular.

1111. I suppose you obtained these signatures yourself?—Yes.

1112. And they are your own tenants?—About fifty per cent. of them—about the one-half. The memorial is as follows:—

"We, the parents and guardians of the children attending Ardmillan National School, having learnt that there is about to be an enquiry into the working of our school, earnestly hope that the present favourable condition of management shall not be altered.

"Hitherto our children have been taught well and carefully, without any interferences respecting their religious opinions, and we wish to express ourselves as thoroughly satisfied with the existing management.

"In summer months we have a Sunday school conducted by Mr. Wilson and members of his congregation, which congregation has acted in this capacity in this place for nearly forty years, and we sincerely trust that no change may be made in the present management, which might in the future endanger this religious instruction." (Here follow twenty signatures.)

1113. When you speak of religious instruction you refer to that given in the Sunday school?—Yes.

1114. Is there any religious instruction given in the day school?—As to that I cannot speak.

1115. You are aware that as it is a National school there could be no interference respecting religious instruction?—The people are frightened, that should the Rev. Mr. Moore get the management of this school altered, the Sunday school might in the future be closed.

1116. That is the point to which this memorial is addressed?—Yes. These people have been educated here themselves where their children are now being educated, and I might further say that I consider the school of such advantage to this district that I would

erect a school myself for the benefit of the children, and that would render this movement impossible. The people here are a poor people—working people and fishermen; that is the occupation of a great many of them, and it would be a great inconvenience to them if their children had to go any distance to school.

1117. We do not know in whom this property is vested?—I am not informed as to that.

1118. Dr. TRAILL.—Suppose we recognised the present management, and had it kept in the same denomination, would you like the property vested in a body not connected altogether with Mr. Wilson's congregation?—I would like it vested in the congregation to which I belong.

1119. Have you any corporate body to hold property?—No.

1120. To hold the property of your own church for instance?—There are some local trustees.

1121. Who are they at present?—Mr. Hamilton Watson, Mr. Morrow, and Mr. Mann.

1122. Professor DOUGHERTY.—Would you not think it an advantage to have a Local Committee connected with the manager in the management of this school?—I do not know that you could improve the school, seeing the satisfactory way in which it now works. I understand that only about one-fifth of the children do not belong to the Remonstrant Body.

1123. So long as the property is vested in your own congregation you would not object to the representation of others?—No.

1124. Dr. TRAILL. (to Rev. Mr. Wilson).—What is your arrangement at present about religious instruction to the children?

Rev. Alexander Wilson.—Reading the Scriptures before they are dismissed.

1125. Does the minister come in and teach?—No, he visits the school occasionally.

1126. In what capacity?—To see if it is properly conducted.

1127. During the hours of secular instruction?—Yes, he calls during that time.

1128. Any person has a right to walk into a National school at that time, provided he does not disturb the work going on. But does this minister come in to give religious instruction?—No, he comes in simply to see how the teachers are doing their duty.

1129. But that is not the duty of the clergyman. Are there any catechisms taught in the school except on Sundays?—None, except on Sundays.

Rev. Mr. Ledoux.—I think I have a claim to a proportion of the representation.

1130. Professor DOUGHERTY.—Have you children in attendance?

Rev. Mr. Ledoux.—I think I have one.

1131. Dr. TRAILL.—Have you any children on that side of the parish?

Rev. Mr. Latham.—Yes, I believe they go there. There is always a possibility. I might have people who would go there; and if a general religious committee is being formed I claim some share in it.

1132. Rev. David R. Moore (Presbyterian), Killybegs.—I would like to ask some questions to two persons present. Samuel Morrow was named as having initiated these proceedings, and I would like to bring out before this audience, for the information of all present, that I was not the one who initiated them, nor was he.

1133. Professor DOUGHERTY.—I understood these steps were taken to prevent the school from being included in the schedule of a scheme for the Parochial Schools of the Diocese of Down, Connor and Dromore.

Rev. Mr. Moore.—Yes. Whoever drew up that scheme might be considered the person who inaugurated these proceedings.

1134. Dr. TRAILL.—Well, I am to a certain extent responsible for that scheme. We have offered to the Church of Ireland in any diocese to incorporate trustees for the holding of school property, and in the draft

schedule prepared for the Down, Connor and Dromore diocese almost every school that could be found on the books were put in provisionally; but there was great ignorance, when putting them in, as to who were the managers, &c. The Rev. Mr. Herrick had compiled a list of schools founded on returns from old blue books, but it was full of blunders. Unless we have the written consent of the governing bodies and managers of the schools in that schedule, we must strike them out, and we have struck out every school that has been wrongly included. The persons who put them there in the first instance did not know who they belonged to; but they were inserted simply in order to find out to whom they did belong. There was not the slightest intention on the part of the members of the Church of Ireland in Belfast to include any school that did not belong to them, and if any mistake had occurred in the matter they would be the first to put it right.

Rev. Mr. Moore.—Mr. Samuel Morrow's father-in-law is prepared to prove that there was a committee in connection with Ballydora school; but he is a very infirm man and could not attend.

Oct. 27, 1893.
Mr. Alexander Gordon.

SAMUEL STUART (Skatrick), sworn and examined.

1135. Dr. TRAILL.—What age are you?—Seventy-five in the past year.

1136. Was there ever a committee in connection with this school?—Yes.

1137. There was another school beside this one?—This is the outcome of an older school. Samuel Lowry Hamilton had Ballydora, and granted a small piece of ground the same as what is in the site of the present house. It was the summer of 1802, a few years after the rebellion. The house was not looked on as suitable. James Stewart had land on a terminable lease; after that he got a lease in perpetuity. In the year 1816 Samuel Lowry Hamilton sold the townland to Allen Ralph—I cannot say when—I think about the year 1824. Allen Ralph, who was then landlord, as far as I understand from what I have heard, struck the rent of this piece of ground and Stewart gave it up. There was still in existence a committee until the house was built, which was in 1826, and it was opened in 1828. The committee then dwindled away; they were really ousted out of their place, and then Ralph became patron and manager of the house. But Samuel Lowry Hamilton gave the old site and Patton gave the new. William John McCann, the representative of Patton, has nothing to do with it; and as to James Stewart, he died in 1831, and his widow went to Belfast in 1835. Patton did not get the ground in any way until November, 1834, and there was always a committee in connection with it until the house was opened in 1828.

1138. Professor DOUGHERTY.—Do you know how the money was raised for the building of the school-house?—I could not tell; I was very young at the time. I remember neighbours bringing sand, stones, and such things; and I also heard they all subscribed, and I believe they did.

1139. Do you think it was intended for the benefit of one denomination or the benefit of all?—For the benefit of the children of the district.

1140. Would you think it an improvement to have a local committee?—I would, and in the month of June, 1860, I wrote myself about a committee to the Educational Board. I had two or three letters on

the matter, and the people professed to be satisfied with what I did to rectify matters; but they all drew back, and it has remained the same to this day. But I think there should be a committee.

1141. And if there was a committee there should be on it a proportion of all denominations?—Yes.

1142. Dr. TRAILL.—Are you a non-subscriber?—No.

1143. What are you?—I'm nothing at all.

1144. Rev. D. R. Moore.—You believe the members of that committee were all members of Mr. Watson's church?

Witness.—Yes.

1145. Rev. Mr. Moore.—Was he a Non-Subscribing Minister at that time?

Witness.—At the time the committee was in existence there was no word of this split. I remember meetings of the committee, but I cannot say that ever I knew the committee sitting after that house was opened.

1146. Rev. Mr. Moore.—The subscribers were nearly all members of Mr. Watson's church?

Witness.—They were all that I think.

1147. Professor DOUGHERTY.—You think it would be advisable to have a committee?

Witness.—I do, but my opinion is not worth much.

1148. Rev. Mr. Moore.—I hold as to my denomination that there are about a dozen of our children at the school. If I were giving you advice I would by all means recommend that Mr. Andrew Morrow should be retained as manager, and the same teachers kept on, but as that school was built by my predecessor and by the congregation of which I am the present pastor, I hold that we should be represented on the committee of the school.

1149. Professor DOUGHERTY.—Would you like to see a local committee and a representation on it in the district of the various denominations?

Rev. Mr. Moore.—I don't say as to the members, nor that that might be the way to form it. There was no such sweep ever of the Presbyterians as has been represented.

1150. Professor DOUGHERTY.—We need hardly go into that.

Mr. Samuel Stuart.

Oct. 31, 1896.

Mr. James
Gowley, J.P.

JAMES GOWLEY, J.P., SWORN AND EXAMINED.

1151. Professor DOUGHERTY.—Do you know anything of the school?—It is managed by Mr. Morrow. Some one here has given evidence that in 1835, out of four townlands only four families did not join the Roman Catholic body. I contradict that fully. There was no such sweep over as that. There is no doubt the Roman Catholic body is strong in the district, and it has kept strong here, but there was no such sweep over as that.

Mr. Mulligan.—The lease which was sent for has been received, (produced) but I could not have any argument on it, as it clearly does not refer to the present case.

This concluded the inquiry regarding Ballydoon school.

*KILLINCHY NATIONAL SCHOOLS.

Rev. D. R. MOORE sworn and examined.

Rev. D. R.
Moore.

1152. Witness.—I am greatly gratified that this inquiry is being held, and also to see so many residents of the district here. Certain things have been done and my actions have been greatly misrepresented, and I had no opportunity previously of explaining matters because it is rather a long story. The site of this school, it is stated, was owned by representatives of the Episcopal Church, but I hold that if we go further back we will find that instead of being owned by them it was owned by Presbyterians.

1153. Professor DOUGHERTY.—I think it would be better to take your evidence in the regular way.

Witness.—This district is entirely a Scotch settlement, and the first minister here was appointed as minister of a branch of the Scotch Established Church.

1154. I am afraid we cannot go into this historical question. We should like some facts first as to the property, and then as to the condition of the school. Is the property held upon lease?—There is a grant.

1155. *Who made the grant?—It was made by the Hon. and Rev. Mr. Ward with the consent of the Bishop and Archbishop.

1156. Is there any rent payable under this?—No.

1157. How long have you been manager?—Since 1874. I was appointed by the committee as far as they could then be known. When the Rev. Henry Ward died in June, 1874, the Hon. Mr. Ward gave me the deed and told me I would be responsible for the re-organization of the school and that the sums which his husband had been giving to it could not be continued. The books did not turn up until some months afterwards. We called the committee together as far as we could then know them, not having the books. The school had been previously about three years under the National Board, but had been withdrawn, and was then under the Church Education Society.

1158. Dr. TRAILL.—In what year did you put it under the National Board again?—In 1874.

1159. Professor DOUGHERTY.—When were the schools built?—The negotiations to build the schools were begun about 1825, 1826, or 1827.

1160. Was there not a Managing Committee in existence at the foundation of the school?—Yes, one-half of it was from the congregation of which I am minister.

Dr. TRAILL.—That is disputed, you know, now.

1161. Professor DOUGHERTY.—The Presbyterian minister of Killinchy was on the Committee of Management?—Yes, the committee consisted of three members of Mr. Ward's own Church and three Presbyterians, the ministers of the two churches being ex-officio members. And there was a proviso in the deed stating that in case this equally-divided committee did not agree as to the appointment of a teacher, the appointment for the time being would vest in the Churchwardens, who during those years were Presbyterians.

1162. Dr. TRAILL.—Have you any evidence of that? Witness.—I have taken it from the Church records. Rev. Mr. Lefevre.—I object to this.

Rev. Mr. Moore.—You gave the records to me. I can assert that those names (produced) were the

names of Presbyterians during those years—1825, 1826, and 1827.

1163. Dr. TRAILL.—If you are going to give only hearsay evidence, it won't do. If you state Presbyterians were Churchwardens at that time you must prove it.

1164. Professor DOUGHERTY.—Can you offer any legal evidence to identify those gentlemen who were Churchwardens at the time as Presbyterians.

1165. Rev. Alexander McCreeg, Presbyterian, (Killinchy).—I could testify of my own knowledge that they were.

Witness.—They were at one time Presbyterians, but they must now necessarily be members of the Episcopal Church, and we hold that as an injustice to the community. When these schools were started the Hon. and Rev. Henry Ward joined with the Presbyterian minister in the matter. The committee consisting of half and half, with the Presbyterians as Churchwardens, gave a preponderating influence to the Presbyterians. This arrangement the Church Act altogether overturned. When the Rev. Mr. Orr was appointed to the church, which for a considerable time had been vacant, he asserted I was not manager. After a protracted correspondence with the secretaries of the National Education Board, the Commissioners decided that *de facto* and *de jure* I was the manager. Mr. Orr, the Rector, then insisted that he should be made joint manager. I objected to that, as owing to the present arrangement regarding churchwardens it would have interfered with the interests of the Presbyterian Church. I spoke to Dr. Rensell, M.P., on the matter in the interests of peace, which I have all along exceedingly desired, and he said he would look into the books. Afterwards he told me distinctly that if the present Rector be appointed either manager or joint manager the Presbyterian interest in the school would be entirely lost.

1166. Was this Managing Committee in existence at the date of your appointment?—Yes, by then I was nominated as manager to the National Board, and by that Board my nomination was accepted. I have since discharged the duties of the office, and we have expended nearly £170 upon the school.

1167. Dr. TRAILL.—Who were the Managing Committee at the time of Mr. Ward's death. In the deed in 1827 he talks of a Managing Committee, without giving their names. He there says:—

"To have and to hold all and singular the said hereby granted and released premises with their appurtenances, unto the said Archbishop and his successors for ever, in trust and for the use of a resident schoolmaster to be hereafter appointed by the Managing Committee of said school for the time being conjointly with the said minister and his successors, and the Presbyterian minister of Killinchy and his successors, and in case the aforesaid parties fail in making such appointment, then such master to be appointed by the Churchwardens of said parish and their successors, and in and for no other use, intent, or purpose whatsoever; be the said Archbishop and his successors yielding and paying unto the said Henry Ward and his successors during the continuance of the grant and demise the sum of one penny on the first day of May in each and every year if demanded."

* See Appendix B. No. IV. (vol. p. 234, for Instruments of Foundation).

† See also Appendix B. p. 245, for the original deed of the Bishop of Down.

I want to know who the Managing Committee were at the time of the deed, because he makes no mention of their names and he does not say how the committee was constituted?—The names of the original committee were as follows:—Robert Potter, Thomas Hewitt, Rev. A. H. Truill, Thomas Osborne, John Clarke, and John Russell, with the Rev. Henry Ward and the Rev. Samuel Watson ex-officio members.

1168. Professor DOUGHERTY.—How was that Committee appointed—was it nominated by Mr. Ward or by the subscribers to the building?—I cannot tell. I think by co-option—the two Churches co-operated in the matter.

1169. Half were members of the Church of Ireland and half were members of the Presbyterian Church?—Yes.

1170. You do not throw any light on the way in which subscriptions were raised for the school?—The residents subscribed and I can show you here a list of the subscribers if you desire it.

1171. Perhaps you can lend us those books?—Yes.

1172. How have the repairs been paid for?—We have had lectures, &c.; the members of the committee have subscribed largely, and then we have also got some very nice contributions towards the repairs, from the sister of the late curate—from Miss Boomer of Belfast.

1173. *When Mrs. Ward gave you the deed, and asked you to become responsible for the schools, she did not ask that the curate should be joint manager?—No, for the feeling then was that there would be no rector; it was felt that Mr. Ward was the last rector. In his* will he almost expressed that. In his will Mr. Ward said:—

"But in case there shall not have been provided a permanent endowment or annual income equivalent to £250 a year as allowed for the minister of the said parish or church of Killybegh, otherwise than by the bequests herein contained, and independently thereof within the time aforesaid, then I bequeath the said house and buildings in Killybegh, and the rents which shall have accrued due thereon during the said period of seven years, and all accretions thereon, and the securities upon which the same shall then stand invested, unto the Incorporated Society in Dublin for promoting English Protestant Schools in Ireland, and their successors, to be held by the said Society in trust, for the support and improvement of the schools in the township of Killybegh, adjoining the Society's estate in the parish of Killybegh."

Mr. Ward's family stated the meaning of that was that if there was no such endowment as that raised for the church there was no need keeping up the church here.

1174. How many children are in attendance at the schools at present?—Of the Irish Church, eighteen.

1175. I. You mean by that the Protestant Episcopal Church?—Yes. The number of Unitarians or Romanist Presbyterians, or whatever they chose to style themselves, is thirty-five boys and girls, and of Presbyterians in connection with the General Assembly, ninety-four.

1176. Do those numbers fairly represent the denominations of the residents in the parish of Killybegh?—I think they do.

1177. Are there any children belonging to other denominations in attendance at the school?—No, none at the school.

1178. The Presbyterian population in connection with the General Assembly is largely in excess of all other denominations?—Yes.

Rev. Alexander Wilson.—No.

Witness.—The Presbyterians above five years of age amount to over 2,000.

1181. Professor DOUGHERTY.—That is in connection with your own denomination?—Yes.

1182. And as to Unitarians?—They are included under the heading "Other denominations," which includes Non-subscribing Presbyterians, Reformed Presbyterians, and Plymouth Brethren.

Rev. Mr. Wilson.—I have a copy of the report of my own congregation, and I will lay it before you.

1183. Professor DOUGHERTY.—Here is the latest official return of the population:—4,189 is the total of those resident in Killybegh. Of that number, 725 are Roman Catholics; 339 belong to the Established Church; 2,833 are Presbyterians; 12 are Methodists, and there are 677 of "all others."

Rev. Mr. Wilson.—The members of our congregation very often state themselves to be Presbyterians; they have a right to do so, and I commend them to do so.

1184. Professor DOUGHERTY.—What I have read is the Census return.

Rev. Dr. Todd Martin.—We also say that "E.C." covers a considerable number of Presbyterians.

1185. Professor DOUGHERTY.—We cannot go into that; the inquiry would be endless if we did. (To witnesses)—Is it your belief that the Managing Committee is satisfactorily constituted on its existing basis?

Witness.—I believe that it is constituted mainly on the basis that the schools were founded on. Perhaps I should correct one word as to the composition of it at present; one of the committee was a member of my Church and is now a member of the Reformed Presbyterian Church.

1186. Dr. TRUILL.—How many Presbyterians are there on the committee leaving out yourself?—One layman.

1187. And how many of the Church of Ireland?—Two, beside the clergyman; then there is the member of the Reformed Presbyterian Church who was elected when a member of my congregation.

1188. There is a member who belongs to the Reformed Presbyterian Church?—Yes, one who is a Reformed Presbyterian. At the time of the split in the congregation, and when the Rev. Mr. Watson's name disappears from the minutes, the name of Mr. Thomas Osborne who joined with him, is mentioned as having also withdrawn from the membership of the Board. From that time up to the Rev. Mr. Ward's death there was only one Unitarian on the committee, and that was his own neighbour, an influential gentleman who worked kindly with him, and was I understand elected, not as a representative of his Church, but simply because he was a neighboring gentleman. There was no Unitarian except that gentleman on the committee until Mr. Ward's death.

1189. Who was appointed as Mr. John Morrow's successor?—It was Mr. Hamilton McEwan. During the lifetime of Mr. Ward the committee were elected just as they are now; the same principle was followed.

1190. The principle of co-option?—Yes; there were several arrangements that were not carried out. There was, for instance, an arrangement that no child could come to the school without having a certificate from a member of the committee; and several other minor rules which have not been carried out lately.

1191. How long have you been here?—I have been here since 1872.

1192. You were here during two years of Mr. Ward's life?—Yes.

1193. And how was the committee composed then?—They were all men of property in the district, but not half and half.

1194. Professor DOUGHERTY.—But there were previously six—one-half members of the then Established Church, and the other half members of the Presbyterian Church, with the Rector and Presbyterian Minister in addition as ex-officio members?—Yes.

1195. And I suppose it was on that principle that it was originally established?—Yes, and after the split came the Rev. Mr. Anderson, my predecessor, took the place of the Rev. Mr. Watson.

1196. Did he add the letter "s" to "congregations"?—Well, really, I could not say who did it.

1197. How long has that minute book been in

Oct 21 1890.

Rev. D. R. Moore.

Col. H. 1895.
Rev. D. R.
Moore.

your possession?—Since 1874. It was previously lying about the school. I would ask you to rectify that "a."

1198. I don't think we require to rectify it?—In 1878 there was no "a" there; the Hon. and Rev. Mr. Ward copied from that, and in his report there is no "a." The word "congregation" is in the singular in his report to the Commissioners.

1199. Dr. TRAILL.—In his own deed he speaks of it in the singular?—There is no "a."

1200. Professor DOUGHERTY.—Is there any religious instruction given in the Schools?—Yes; by the teachers.

1201. Yes, as manager, do not give religious instruction?—No; along with the Rector I come to a half-yearly examination.

1202. Is the School visited by ministers of other denominations from time to time?—Yes.

1203. Do they give religious instruction to the children of their own denomination?—No.

1204. Are they at liberty to do so?—No.

1205. Dr. TRAILL.—What religious instruction do the teachers give?—The Scriptures only. There was Catechism taught before Mr. Ward died, and the teacher on re-appointment continued to do so. I gave no instruction in the matter, but it was only to Presbyterian children, and that was withdrawn.

1206. Had Mr. Ward the Catechism of his own Church taught to the children of his denomination?—I suppose he had. There is a Sunday School held here, in which members of my congregation took a leading part, and in which the Rev. Mr. Ward took part.

1207. Did the Presbyterian Minister of that day take part?—Well, he had his own Sunday School to attend to, and could not take an active part. When this united Sunday School was established, there was no School in connection with Mr. Watson's Church; when the Rev. Mr. Anderson, my predecessor, was appointed he had a Sunday School there, and could not attend both, but the teachers here were, I should say almost all, connected with my congregation, as were the large majority of the scholars.

1208. Professor DOUGHERTY.—I should like to read No. 3 of the original rules. It is as follows:—

"Although it be advisable that particular religious instruction be not introduced into the school during school hours, yet, as such instruction forms an indispensable branch of education, parents and masters of children are invited to impart to their own religious instruction as they may think fit out of school hours."

Mrs. Kirkpatrick (Teacher).—It was after 3 o'clock that the Catechism was taught.

1209. Professor DOUGHERTY (to Witness).—I suppose the School has been conducted on the lines of that resolution?—Certainly, the Rector has come here and given instruction after School hours. I have not been coming so much to teach my children, for fear of giving offence.

1210. How could you give offence to anybody, when it is in accordance with the rules, by coming to teach your own children?—I have not been inclined to come very much, to exert my influence about the School. There was a very considerable difference between us here, and we are greatly gratified that you are here to-day, and we trust you will effect an amicable settlement.

1211. Dr. TRAILL.—It will be our duty to see if we can put matters right.

Witness.—We offered to the Rev. Mr. Orr to leave the appointment of a teacher from time to time with the Inspector of the District as referee, prior to its coming before the Churchwardens. The Rev. Mr. Orr, who was the Rector, would not consent to that. We then offered to leave it to arbitration, and he would not consent to that.

1212. Professor DOUGHERTY.—Who were to be the arbitrators?—We did not get so far as that. Mr. Orr would have left it to arbitration only for a given time, and to a certain extent. We would only have

arbitration in taking over the whole grounds. We offered to leave it to this arrangement; that the manager in future should be the ex-officio minister longest in the parish, but he would not agree to that. We tried in many ways to bring about peace. We tried all legitimate means to get on honourable settlement of that discussion about Churchwardens, and that "a."

1213. Dr. TRAILL.—Who has the deed now?—It is in the hands of the Representative Church Body. I forwarded it to the Archbishop, who forwarded it to the Representative Church Body.

1214. Would not that account for this school appearing in the schedule of the scheme for the Down Connor and Drogheda Diocese?—I suppose it would.

1215. Are there any endowments attached to the school?—The Incorporated Society holds considerable property here, and it was giving at least £15 a year to the school during Mr. Ward's time, and during portion of the time I was manager.

1216. How was that money paid?—To the teachers.

1217. Directly?—To the teachers directly. Some one on looking into the minutes might think it was not at all times paid, but that is because of the entries in the accounts. After the Rev. Mr. Ward died his widow advanced £15 towards paying off the teachers up to a given time. It was paid as requested by Mrs. Ward, but when the money came from the Incorporated Society we offered to refund it to Mrs. Ward, but she declined to receive it.

1218. What was this money paid for?—For the teachers, but in the meantime the teachers had been paid by Mrs. Ward advancing it, and she refused to accept it afterwards when it was offered to her.

1219. Professor DOUGHERTY.—And what was done with it?—It went to the repairs of the school.

1220. When did the Incorporated Society withdraw that grant?—After we had put the school under the Board of National Education. I understand the Incorporated Society still forward money, and that the Rev. Mr. Loderer receives it, but he has told us that we have nothing—that is, that the Committee have nothing to do with that money, which, I understand, entirely goes to Church purposes.

1221. At the time of the previous Endowed Schools Commission there was evidence given of two houses in the village of Killynchy which, in certain events and under certain conditions, were to become vested in the Incorporated Society for the support and improvement of these schools; can you give us any information about this bequest?—Yes. That bequest was given by Mr. Ward, and if you wait until I look up the minutes, I will show you that Mr. Orr had it mentioned.

1222. The will provided that, in case a permanent endowment of £250 per annum for the Protestant Episcopal Church of Killynchy should fail to be established, then the income from the houses is to go to the schools?—The Church failed to get that £250 of a permanent endowment for the Church, and that is now to come to the schools.

1223. Has it come to the schools? The matter was in the hands of Mr. Murland, and he had been writing him without effect. He is now dead, and the lawyer who represents him in that matter is Mr. Major, in Dublin, and he told me that he is making application to the Incorporated Society in order to receive the money.

1224. Do you believe those houses in Killynchy are sold?—No, we believe they are not sold.

1225. Who receives the rents of the property?—I cannot tell that. The Rev. Mr. Hodge is one of the tenants, and I understood from him that he could not get any person to take his rent.

1226. Dr. TRAILL.—That is a most unusual thing in the present day?—I think he had advanced it, or part of it, to Mr. Millar, the ground landlord.

1227. Who is Mr. Ward's executor?—Mr. William Ward. As I said, the present solicitor, who is suc-

came to Mr. Marland, is Mr. Major of Dublin, and he succeeded Mr. Marland in charge of the two houses.

1298. Is there money with the Commissioners of Charitable Donations and Bequests for the benefit of these schools?—There was an application, I think, made to the Charitable Commissioners to take this money.

1299. By whom was that application made?—I believe the committee some time ago were in correspondence with them through the Rev. Mr. Orr.

1300. Professor DOUGHERTY.—Have you anything to add before we call upon the Rev. Mr. Ledoux?—Well, I am exceedingly anxious to be asked all sorts of questions. Anything I have done, I have done with a clear conscience; and what the committee have done, they have done with an earnest desire for the welfare and prosperity of the schools.

Cross-examined by the Rev. Mr. Ledoux.

1301. Do you know how the teachers were paid before 1874?—Before that time Mr. Ward paid them; about half the scholars paid fees and about half were free, and the schools were in a very dilapidated state.

1302. Did you inform the National Board when they sent their inspector here that the Rev. Mr. Ward paid the teachers?—I cannot remember.

1303. What information did you give the inspector?—We laid the matter before him as far as we could. It was not until after the inspector came that the books turned up. They were in Mrs. Ward's house; we had the deed, but we had not the books. Mr. Ward had been dead from June, and the deed

was given up quite as soon, as Mrs. Ward wanted to be clear of all responsibility.

1304. Dr. TRAILL.—I see by the minute book that a meeting of committee was held in the male school-room in August, 1874, duly convened by the Rev. D. B. Moore. There were present—R. Potter, Esq., J.P., Rev. C. C. Boomer, Rev. D. B. Moore, Mr. Robert Thompson, Mr. Savage Osborne, Mr. Hamilton McQuinn. Mr. Potter was called to the chair. Mr. Moore's action in calling the committee was approved of. It was then moved, seconded, and determined, that owing to the lamented death of the late Hon. and Rev. Henry Ward, and thereby his valuable support being withdrawn from the schools, efforts shall now be made to have them connected with the National Board of Education for Ireland. On the motion of Mr. R. Thompson, seconded by Mr. S. Osborne, Mr. Moore was appointed patron of the schools.

Rev. Mr. Ledoux.—When the inspector came was this information on the minutes conveyed to him?

Dr. TRAILL.—The point is that Mr. Ward's valuable support was withdrawn.

1305. Professor DOUGHERTY.—What we have to do now is to deal with existing facts.

Rev. Mr. Ledoux.—I only want at present to make a general statement, and later to go through the whole history of the schools from the beginning.

Witness (to Commissioners).—You would not allow me to go through a whole history.

Professor DOUGHERTY.—And I certainly do not intend allowing Mr. Ledoux to go through any irrelevant historical matter.

Rev. LA. PAUL T. LEDOUX examined.

1306. I want to show that there has been a sustained effort made by some people here against Mr. Orr and myself to cast us out of our fair share of representation in this matter. I have been only here for about two years, and from documentary evidence I can show you that. If you turn to the minutes of 23rd of April, 1826, you will find that a managing committee of six was appointed, with the Rev. Henry Ward and Rev. Samuel Watson as ex-officio members. There is nothing there about half Presbyterians and half Episcopalians.

1307. Professor DOUGHERTY.—If you look at the minutes of the 3rd of May, 1826, you will find the following among the rules and regulations of the School:—

(1) "The leading principle by which this School shall be guided is to afford the same facilities for education to all classes of professing Christians within the Parish, without any attempt to interfere with the peculiar religious opinions of any."

(2) "The Scriptures, without note or comment, shall be read; all Catechisms and books of religious controversy shall be excluded; the morals of the pupils shall be anxiously attended to; habits of decency and cleanliness shall be considered indispensable; reading, writing, and arithmetic shall be taught, and good order and discipline strictly enforced."

(3) "Although it is advisable that particular religious instruction be not introduced into the School during School hours, yet, as such instruction forms an indispensable branch of education, parents and masters of children are invited to impart to them such religious instruction, as they may think fit, out of School hours."

(4) "The observance of the above regulations shall be entrusted to guardianship of a Committee, one half to be members of the Established Church, the other half members of the Presbyterian Congregation, in conjunction with the Rector and Presbyterian Minister."

(5) "The Committee shall meet quarterly for the purpose of inquiring into the due observance of the above rules and regulations, and inspecting generally the internal management of the School."

(6) "The Committee at quarterly meetings shall have the power of making such minor arrangements as they may judge to be conducive to the welfare of the School, so far as said arrangements may be agreeable to the principles contained in the former regulations."

(7) "None of the above laws shall be altered or repealed, nor shall any new law be enacted, except at an annual meeting, to be held the first Wednesday in May of every year, two-thirds to constitute a quorum."

And so on, and the minutes are signed "Henry Ward, Chairman."

1308. Rev. Mr. Ledoux.—I wish you to note that in these minutes "1826," the "e" in "congregations" (rule 4), "Wednesday" in rule 7, and "Henry Ward, Chairman," all seem written in a different ink and by a different hand from the rest, as you can see. This is to show that the "Presbyterian" half of Committee might include "Unitarians."

Dr. TRAILL.—The "e" there in "congregations" and the "Wednesday" there, and the "Henry Ward, Chairman," do, no doubt, seem in different ink from that in which the rest is written.

1309. Rev. Mr. Ledoux.—In the minutes of the meeting on May 29th, 1826, the Committee say "they shall best discharge their duty by strictly abiding by the excellent rules of that Society" (Kilmore-place Society). On November 6th, 1826, they passed the following resolution:—

(1) "That the Committee are quite satisfied that the regulations of the Kilmore-place Society are well calculated to promote the object they have in view, viz., the education of the lower classes without interfering with the peculiar religious opinions of any; upon that principle the School commenced, and by which we have pledged ourselves to abide."

At a meeting of the Committee held on the 11th November, 1835, the Rev. S. Watson is mentioned for the last time as being present; but the name of the Rev. David Anderson does not appear until the 1st of February, 1837. It might be perceived that Mr. Watson (Unitarian) held on that seat until Mr. Anderson appears.

Rev. D. B. Moore.—The separation was in 1836.

1310. Rev. Mr. Ledoux.—At the meeting on November 7th, 1840, Mr. John Morrow was elected on the Committee. As to what his capacity was, it is not for us to say, but we know he was a Unitarian. I protest against our Church being called the "Episcopal Church."

Dr. TRAILL.—All right, one your own name.

Oct. 21, 1890.

Rev. D. B. Moore.

Oct. 21, 1886.

Rev. H. Paul
T. Ledoux.

Rev. Mr. Ledoux.—If you turn to the minutes of 30th of April, 1886, I will show you of whom the Committee was then composed:—The Hon. and Rev. H. Ward, R. Potter, S. Hewitt, and Captain Johnston. These four were all members of the Church of Ireland. There were also on the Committee at that time—Rev. D. Anderson, R. Thompson, W. Chambers, and H. McCann, so that the Committee was then equally divided.

1841. Professor DOUGHERTY.—Is not the committee constituted on the same principle now?

Rev. Mr. Ledoux.—I don't know that it is half and half.

Rev. D. R. Moore.—There is a member of the Episcopal Church, who is treasurer, but he has sent in his resignation. The committee refuse to accept it until he sends in a statement of his accounts. We have not accepted his resignation yet.

1242. Rev. Mr. Ledoux.—Mr. Moore has again and again made it impossible for the committee to elect members of the Church of Ireland inside the parish, by using the majority of the committee as he has done, although the fundamental rules do not say that they are to be my own parishioners—they are to be members of the Church of Ireland. Through unfortunate circumstances I am the only member of my Church who attends regularly. Well, perhaps I should add another, and that is Mr. George Moorhead. The minutes state there was a meeting held in August, 1874. I think it is the only meeting in which the day of the month is not given. It was—

"Duly convened by the Rev. R. Moore. There were present, R. Potter, Esq., J.P., Rev. C. C. Boomer, Rev. D. R. Moore, Mr. Robert Thompson, Mr. Savage Osborne, Mr. Hamilton McCann."

At that meeting—

"It was moved, seconded, and determined that owing to the lamented death of the late Hon. and Rev. Henry Ward, and thereby his valuable report being withdrawn from the school, efforts shall now be made to have them connected with the National Board of Education for Ireland. On the motion of Mr. R. Thompson, seconded by Mr. S. Osborne, Mr. Moore was appointed as patron of the School."

These minutes were signed on the 25th of September, 1874, and there is no proof that Mr. Savage Osborne and the Rev. C. C. Boomer were members of the Committee.

1243. Professor DOUGHERTY.—Do you mean that they were not regularly appointed?

Rev. Mr. Ledoux.—I mean they had not been there before, and there is nothing to show they had been regularly appointed. Accordingly, the resolution appointing Mr. Moore "patron" is invalid.

Rev. Mr. Moore.—You see this minute book had not turned up when these men were called to act on the Committee.

1244. Professor DOUGHERTY.—I understood this book was in Mrs. Ward's possession for a considerable time afterwards?

Rev. Mr. Moore.—Yes; after Mr. Ward's death, Mr. Boomer, Curate, continued to act in the parish for a time. Afterwards the church was closed for a considerable period before Mr. Orr came.

1245. Dr. TRAILL.—It would appear to me a very natural thing that on the death of Mr. Ward the minister of the parish in the interregnum should act.

Rev. Mr. Ledoux.—Well, I bow to your decision. There is no record of Mr. Boomer's appointment here.

1246. Dr. TRAILL.—Was this his first appearance?

Rev. Mr. Moore.—I understood at the time from the neighbours that he was on the committee. The first person I believe I met when I came out of the rectory after receiving the book was Mr. Savage Osborne. We stood together for a time, and then went to Mr. Boomer, the Curate.

1247. Professor DOUGHERTY.—You were of course anxious to carry on the school?

Rev. Mr. Moore.—Certainly; we had intended building a school of our own, but we gave up that idea when we got this school connected with the National Board.

Professor DOUGHERTY.—And this meeting was called to transfer the management to you.

1248. Dr. TRAILL.—The long and the short of it was, that after the death of the Rev. Mr. Ward the arrangement was that both Churches were on equal terms, and they appointed the Rev. Mr. Moore manager, and have left him manager ever since.

Rev. Mr. Moore.—That is the case.

Rev. Mr. Ledoux.—On the 1st of June, 1873—I will put in a copy of the minutes of that day—the Rev. Mr. Orr appeared for the first time at the Committee.

1249. Professor DOUGHERTY.—Had Mr. Boomer left the parish then?

Rev. Mr. Ledoux.—Yes. I have here a copy of the minute book.

1250. Professor DOUGHERTY.—What book is that?

Rev. Mr. Ledoux.—This is a book that the Rev. Mr. Orr was allowed to keep after some difficulty. It is not exactly a duplicate of the minutes, but I have it here, and I ask your attention to the following:—

"On and from this day forward all October, 1878, the Rev. D. R. Moore occupied the chair, without having appointed to the chair. (Signed) R. H. Orr."

1251. Professor DOUGHERTY.—That is Mr. Orr's own statement?

Rev. Mr. Ledoux.—Yes, that is his own statement given here. It is a note in this copy of the minute book. Turn to the minutes of April 14th, 1876.

1252. Dr. TRAILL.—Here are the minutes of that date.

"A meeting of committee was held, called by the manager, at the request of the Rev. R. H. Orr. All the members of committee were present. The accounts (as in next page) were submitted and approved of. Mr. Orr moved and Mr. Thompson seconded:—'That equal advantages in religious instruction be afforded in the schools to Church and Presbyterian children.' Mr. Coiler moved, and Mr. Osborne seconded, *seen amendment*, the following which was declared carried, and the original motion (Mr. Orr's) fell to the ground:—'I propose that during the half hour appointed for religious instruction that all children be instructed in the Scriptures.' Mr. Orr moved and Mr. Potter seconded:—'That the Church Minister be appointed joint manager with the Presbyterian Minister.' After an animated discussion the proposer and seconder withdrew their motion."

They were evidently in a minority.

1253. Rev. Mr. Ledoux.—I say that there was a general attempt made to keep us out of all part in the management. This property has cost £200, and then there is this bequest of the Rev. Mr. Ward, which we believe to be worth £150 at present—I cannot give any proof of that—and it may be worth £150 more by the time this is all settled. There has been an attempt to oust us from the half of that. I distinctly assert that Mr. Moore has acted unfairly, and had the Presbyterian Opposition taught in the school during school hours.

Rev. D. R. Moore.—That was not by my instructions; I gave no instructions as to that.

Rev. Mr. Ledoux.—That he illegally kept down our members on committee; that he seized the post of chairman, never having been appointed to that office; that he also acted as manager, never having been legally appointed, and that he refused to the Rev. R. H. Orr and myself access to the minute books and papers of the school, such never having been submitted to him; also, that the information he supplied to the National Board Inspector was defective and misleading. According to the fundamental rules all catechisms were to be examined, and in proof of that I refer you to the minutes of 3rd of May, 1878. I assert, however, that the Rev. Mr. Moore had the

Presbyterian Catechism taught in the school; that he changed the rules, and that—

1254. Dr. TRAILL.—Would it not shorten the enquiry if you now shortened your charges, because it appears to me that if you repeat in detail the charges you have made the enquiry will be interminable.

Rev. Mr. Ledsom.—I really cannot go faster.

1255. Dr. TRAILL.—Well, you really must hurry on, because we have arrangements made for holding an enquiry in Ballymaclea to-morrow.

Rev. Mr. Ledsom.—There is a letter from the Rev. R. Holmes Orr, dated October 29th, 1890, in which he says—

1256. Professor DOUGHERTY.—When was the Rev. Mr. Orr appointed to the parish?

Rev. Mr. Ledsom.—About the year 1875.

1257. Professor DOUGHERTY.—That was the year Mr. Moore assumed the office of manager?—Yes. Mr. Orr in his letter to me says:—

"After the first committee meeting which I attended I asked Mr. Moore what was the position about religious instructions. He replied: 'I appoint the Catechism,' meaning, as I understood, the Shorter Catechism. It was with great difficulty I got the rule introduced that the Scriptures only were to be taught. I believe that some but Presbyterians were taught the Presbyterian Catechism, and that the Church and Unitarian children received no religious instruction. Once at a committee meeting Mr. H. McCune said: 'Mr. Orr speaks the truth, but I do not think he intended to insult us.' Some after I came to Killichy the use of the school was refused to our Sunday School teachers and children on their first-day, the day happening to be wet. When refusing, the teacher, Miss Hewitt, who happened to be left in charge of the boys' school-room, said Mr. Moore had advised her not to give the key, and that if she did so she would do it at her own risk. For some time Mr. Moore refused to allow me to have the minute book, though I promised to show it to nobody and to keep it under lock and key. When Mr. Ward died Mr. Moore was appointed patron, by which the committee, I think, meant manager. I understood that he then gave notice to both teachers, but they both were continued on for a while. The male teacher told me he was forced to resign. I told him that could not be. He said there was no use trying to continue against Mr. Moore's wishes. A Presbyterian was appointed in his room. The female teacher, Miss Hewitt, was a Unitarian or Church-woman, she did not know which. She became a Presbyterian, but whether before or after her re-appointment I cannot say. Mr. Moore and the Presbyterian members of committee seemed desirous of practically cutting me from all management of the schools, and I had to fight my way inch by inch through very unfair treatment. This I did under the advice and with the help of the Primates, who were then Bishop."

I also put in a letter from Mr. Gordon, the Inspector of National schools. It seems a difficulty arose about the matter of religious instruction. Writing to the Rev. R. Holmes Orr, Mr. Gordon says:—

"When it comes to be viewed in the light of your statement to me on the day I examined the female school, viz., the original lease gives you a joint-claim with Mr. Moore to the management, and that Mr. Moore instead of conceding this right, either in letter or in spirit, has declined to afford you an opportunity of giving separate religious instruction to the children of your own communion, or failing this, to confine the religious teaching to the Holy Scriptures, thus virtually excluding the children of your flock from any religious instruction in the school unless they learn the Westminster Assembly's Catechism, in addition to instruction in the Scriptures. I am of help expressing my astonishment that an opinion given by me on a case just abstractly, could be made to apply to the same case under circumstances of which I was totally ignorant, and would not merely modify but actually nullify everything said by me in my letter to Mr. Moore. It now appears to me that if you can make good your claim to a joint trusteeship in the school property the Committee can make no objection to your being placed in the position of joint manager of the schools, with the right to secure such arrangements in regard to religious instruction as you may consider necessary for the proper religious training of the young of your own communion. I may add, that though I am glad that an opportunity has been afforded me of putting myself right on this matter, I do so purely in an unofficial way, and not as speaking for the Commissioners, who in any such circumstances as the present reserve the right to speak for themselves."

Rev. D. R. Moore.—Mr. Gordon gives that?

Rev. Mr. Ledsom.—Yes.

1258. Professor DOUGHERTY.—We will read the letter:—

* Newcastle, 19th February, 1870.

"My Dear Sir,—I am in receipt of your letter of the 17th inst., and beg to say, in explanation, that my letter of 24th inst. to Mr. Moore was written in reply to a query put to me by him, as to the advisability of having the Killichy Schools put under joint management, without mentioning any of the special circumstances, or even giving the name of the proposed joint manager. I replied, saying that I could not give any advice, as I did not know the special

circumstances; that usually joint management was not desirable, and that as regarded schools under a Committee the Board recognized this Committee as Patron, and that the manager appointed by this Committee was rather to be considered as corresponding with the Board than as Manager of the School in the ordinary sense; and this being the case I did not think that a joint management of this kind was desirable. In some such way I replied to Mr. Moore's query, but I write now only from memory, as I did not preserve either his note or a copy of my reply.

"Such was my view of the matter in the abstract."

1259. Dr. TRAILL (to Rev. Mr. Moore).—Have you that reply of Mr. Gordon's in your possession?

Rev. Mr. Moore.—Well, I have a good many letters on the matter. I will look for it.

1260. Professor DOUGHERTY (continuing to read):

"But when it comes to be viewed in the light of your statement to me on the day I examined the female school, namely, that the original lease gives you a joint claim with Mr. Moore to the management, and that Mr. Moore instead of conceding this right, either in letter or in spirit, has declined to afford you an opportunity of giving separate religious instruction to the children of your own communion, or failing this, to confine the religious teaching to the Holy Scriptures, thus virtually excluding the children of your flock from any religious instruction in the school unless they learn the Westminster Assembly's Catechism in addition to instruction in the Scriptures. I am of help expressing my astonishment that an opinion given by me on a case just abstractly, could be made to apply to the same case under circumstances of which I was totally ignorant, and would not merely modify but actually nullify everything said by me in my letter to Mr. Moore. It now appears to me that if you can make good your claim to a joint trusteeship in the school property the Committee can make no objection to your being placed in the position of joint manager of the schools, with the right to secure such arrangements in regard to religious instruction as you may consider necessary for the proper religious training of the young of your own communion. I may add, that though I am glad that an opportunity has been afforded me of putting myself right on this matter, I do so purely in an unofficial way, and not as speaking for the Commissioners, who in any such circumstances as the present reserve the right to speak for themselves."

"You will oblige me by reading this letter at your next Committee meeting."

"Believe me,

"Yours faithfully,

"J. GORDON

"To the Rev. R. Holmes Orr."

1261. Rev. Mr. Ledsom.—Take that in connection with this letter of the Rev. Mr. Hackett:—

* Incorporated Society for Promoting English

"Protestant Schools in Ireland.

"Office, 72, Harcourt street, Dublin,

"January 12th, 1875.

"My Dear Mr. Orr.—I laid your letter before our Committee yesterday. I am directed to say that for some time they have not had any report of the Killichy School, or any communication from its managers. Should any vitals change be made in the original constitution of the Killichy School system of instruction, inconsistent with the Charter of the Incorporated Society, the Society would be necessarily deterred from applying its funds as it has done heretofore towards its support when under different regulations. Should the school be under the National Board, I should have thought a representation to the heads of that system would gain for you the redress you seek. Your Bishop would scarcely forget upon this. I cannot understand how the school at Killichy could have been so fundamentally altered from what it was under the good and excellent Rev. Henry Ward—and I repeat under him. Keep me informed as to what you do about the school and its arrangements."

"Faithfully yours,

"JOHN W. HACKETT.

"Rev. R. H. Orr, Killichy."

Rev. Mr. Moore.—When Mr. Orr called attention to that it was withdrawn.

1262. Dr. TRAILL.—What was withdrawn?

Oct. 24, 1898.
Rev. E. Paul
T. Lefevre.

Rev. Mr. Moore.—When the late reader objected to that it was withdrawn—the teaching of the Catechism.

1265. Dr. TRAILL.—I think we must take it as admitted that whenever his (Mr. Moore's) attention was called to it he stopped the teaching of the Presbyterian Catechism.

Rev. Mr. Lefevre.—I put in a letter here from the tender to show we never attempted to teach the Church Catechism in the school. I want to show that we have acted honourably and fairly, and in the spirit of the fundamental rules of the school; and I also want to show that the Rev. Mr. Moore has endeavoured to oust us and to take our share of the management from us, and I want such a scheme as will prevent that.

1266. Dr. TRAILL.—Mr. Lefevre here puts in a letter to meet the statement of Mr. Moore that he only contained the system passed in Mr. Ward's time. This letter is from the master of the school in Mr. Ward's time stating that no such thing took place at that time.

Rev. Mr. Lefevre.—That is it.

1265. Dr. TRAILL.—Well, I will read the letter:—

“English-street, Downpatrick,
15 February 14th, 1875.

“Rev. Sir,—I received your letter this morning. I cannot answer for what Mr. Ward tried to do in regard of teaching the Church Catechism to the Presbyterian children in the school previous to my appointment, but this I know that such a thing was never even mentioned in my time. The Scriptures only were taught in the school, except on Saturdays, when the Church children alone said their Catechism. I cannot imagine what foundation Mr. Moore has for saying so.”

The letter is signed “William McCartney.”

Rev. Mr. Moore.—Mr. McCartney was not qualified to teach under the National Board. Miss Hewitt, now Mrs. Hodge, wrote to me on the 27th inst., stating:—

“I did teach the Shorter Catechism to the Presbyterian children in Mr. Ward's time.”

1266. Dr. TRAILL.—Was that in school hours or out of them?

Rev. Mr. Moore.—I think it was out of them, but I have no record.

1267. Professor DOUGHERTY.—Have you time after time made complaints to the National Board?

Rev. Mr. Lefevre.—Yes.

1268. And Mr. Moore has been continued in the office?—Yes.

1269. Dr. TRAILL.—If we consider that we are bound to make you joint-managers here, we will do that independently of the National Board. We do not say that we will do that as the result of our enquiry, but we can frame a scheme and make you joint-managers if we think fit, without any reference whatever to the National Board.

Rev. Mr. Lefevre.—The total cost of the schools was £463 17s. 10d. According to the minutes of 4th of February, 1870, the total expenses of building the school was £368 13s. 3d., but there was an addition in November, 1855, in Mr. Ward's writing of £96 16s. 8d. The latter amount consisted of £18 12s. 0d. for flooring male school; £57 6s. 9d. for addition to master's house; £10 18s. 1d. for building and enclosing yard and offices—total, £296 16s. 8d. The contributions were:—From Treasury (£26, Irish), £77; from Kildare-street Society (£105, Irish), £26 15s. 0d.; and from the Hon. and Rev. Henry Ward (£38 19s. 1d., Irish), £81 10s. 10d.; and in addition the £96 16s. 8d., the difference between the total of subscriptions and the amount of the building expenses, so that he altogether gave about £300. Other members of the Established Church subscribed £76 14s. 8½d., while the Presbyterians (General Assembly and Remonstrants) gave £55 6s. 5½d. Mr. Orr came in 1875.

Mr. Potter died in March, 1876. Mr. Orr was then the only Chairman of the Committee. If you look at the minutes of 3rd of May, 1876, you will find that there were present—Mr. Moore, Mr. Thompson, Mr. Osborne, Mr. Coulter, Mr. McClann, and Mr. Orr (being the only members of Irish Church present). Mr. Moore on that day took the opportunity to pass a resolution repealing all fundamental rules.

Rev. Mr. Moore.—That was the one day of the year that the rules could be changed.

1270. Dr. TRAILL.—The minutes say that at that meeting “all the members were present.”

Rev. Mr. Lefevre.—The minutes state:—

“Mr. Moore moved, and Mr. Osborne seconded, the following resolutions:—

“1. All Rules and Resolutions of the Killinchy School Committee passed previous to 1873 are hereby repealed, and all Rules and Resolutions passed from that time to the present are hereby considered valid and confirmed on the adoption of these resolutions.”

“2. The Managing Committee of the schools shall be composed of the ex-officio members, the minister of the Protestant Episcopal Church, and the minister of the Presbyterian Church, together with those at present acting in that capacity, viz., Mr. R. Thompson, Mr. S. Osborne, Mr. H. McCave, and Mr. John Coulter.”

I may state that all these named, together with Mr. Moore, were Presbyterians.—

“together with those whom the committee may, from time to time, elect to the number.”

“3. The schools shall be conducted in accordance with, and subject to the rules of the National Board.”

Then came the following, which was afterwards struck out:—

“It was agreed in their favour that passing these would only be doing formally what was done virtually after Mr. Ward's death; that we considered the committee which sat after Mr. Ward competent to transact the business of the school; and that though quite willing to have other names added to the committee, we could not delay, as this was the only day of the year on which (in accordance with the existing laws) the proposed changes could be made.”

Mr. Orr moved, and Mr. Thompson (Presbyterian), seconded, an amendment, the following:—

“That as the committee is not at present constituted according to the fundamental rules, viz., one half to be members of the Established Church and the other half members of the Presbyterian Congregations; and as it is of great importance that any new rules be maturely considered, the rules proposed by the Rev. D. R. Moore be considered at an adjourned meeting, to be held on a day to be appointed by the committee.”

Then comes the following, which was also struck out:—

“Mr. Orr stated that he was of opinion that an adjourned meeting could legally make such changes. On the amendment being put, 2 voting for and 1 against it, it was declared lost; and as no other amendment was proposed the original resolutions were put, carried by 4 to 2, and declared passed. The Rev. R. H. Orr entered the following protest:—‘I solemnly protest against the rules proposed by the Rev. D. R. Moore being proposed to the committee, constituted as it is at present.’”

The minutes go on to state:—

“Reference was made to the death of Robert Potter, Esq., J.P., of Ardara, the last of the original members of committee, who for a period of 30 years took a deep interest in the property of the schools.”

Mr. Orr moved, and Mr. Thompson seconded:—

“That Thomas Potter-Miller, Esq.; Major Ballie, and Mr. John Coates, be elected members of the committee in the place of Robert Potter, Esq., deceased; Captain Johnston, deceased; and Mr. Samuel Hewitt, gone. Mr. Moore moved as an amendment:—‘That T. P. Miller, Esq., and Mr. McCave be added to the number.’”

As the amendment was not seconded it fell to the ground.

“Another amendment was proposed by Mr. Osborne, and seconded by Mr. Coulter, viz., ‘That there be no elections to the committee until it be ascertained if T. P.

Miller, Esq., be a resident in the parish.' On this amendment being put, 4 voted for it, and 1 against it. It was therefore declared carried, and the original motion not."

1871. Dr. TRAILL.—The William McCann named was not added to the number; was that another Mr. McCann?

Rev. Mr. Moore.—Yes, that was a brother.

1872. Dr. TRAILL.—When did Mr. Miller come on the committee?

Rev. Mr. Ledoux.—In May, 1878. Those resolutions of 3rd of May, 1879, were rescinded.

Rev. Mr. Moore.—I moved on the 3rd of December, 1878, that they should be rescinded.

1873. Rev. Mr. Ledoux.—The next thing I will mention is that when Mr. Robert Thompson resigned his position on the committee Mr. Moore exercised a casting vote against his being allowed to name his successor.

Rev. Mr. Moore.—No, I object to that; that is not a correct statement.

Rev. Mr. Ledoux.—I refer to the minutes of 22nd of October, 1878.

1874. Dr. TRAILL (reading from the minutes).—

"A letter was submitted from Mr. Robert Thompson stating that from old age and infirmity he felt obliged to resign his position on the Committee, and expressing the hope that the Committee would appoint a successor in his place. It was then proposed by the Rev. R. H. Orr, and seconded by T. P. Miller, Esq.,—That Mr. Thompson, who has sent in his resignation, be requested to name his successor in accordance with the custom of the Committee." An amendment was proposed by the Rev. D. R. Moore, and seconded by Mr. H. McCann:—That Mr. Thompson's resignation be accepted forthwith, and a day named for the appointment of a successor." On the amendment being put to the meeting, two voted for it and two against it. The Chairman gave his casting vote in favour of the amendment, and declared it carried. The Rev. R. H. Orr then entered the following protest:—"I hereby protest against Rev. D. R. Moore exercising the right of giving a casting vote, inasmuch as he has not been moved into the chair."

You do not seem to have been a happy family down here.

1875. Professor DOUGHERTY.—Mr. Thompson of his own motion divested himself of his right to nominate a successor on the Committee, and it seems to me the Chairman had a perfect right to give his casting vote.

Rev. Mr. Ledoux.—We have counsel's opinion that he had no right.

1876. Professor DOUGHERTY.—The opinion of counsel! A good deal depends on how the case was stated.

Rev. Mr. Ledoux.—I now ask you to read the minutes of the 28th of October, 1878.

1877. Dr. TRAILL (reading from minutes).—

"The following was moved by Mr. Moore, and seconded by Mr. McCann, in reference to a letter received from the Rev. R. H. Orr relative to the appointment of two members of the Irish Church on the Committee, we reply that the Committee is prepared to appoint equal numbers of the Irish Church and the Presbyterian Church, and rescind the resolutions of 3rd of May, 1878, provided—

(1) That a fair arrangement can be arrived at regarding the Churchwardens as referees in the appointment of masters, such Churchwardens at the time when the deal was drawn up being, as a rule, Presbyterians, but now invariably members of the Irish Church.

(2) That rule 4 be accepted as it was originally written, i.e., that the word Congregations there be changed to Congregation. That at present it is incorrect is evident (a) from the late used, showing that the s was added subsequently; (b) from history, which shows that when the rule was made only one Presbyterian Congregation existed in the parish; and (c) from the testimony of other copies of the rules which were written about or before the time the schools were built in which the word is written in the singular—'congregation.'

(3) That the several members of Committee be always *ex officio* members of the two congregations concerned, viz., the Protestant Episcopal Congregation of Killybegs, and the Presbyterian Congregation of Killybegs.

(4) That the Rev. D. R. Moore be accepted as the manager of the schools and Chairman of the Committee, which he at present exercises appointment and president in the Committee.

That we postpone appointing to the Committee until further notice, and that a copy of these resolutions be forwarded to the Rev. R. H. Orr in answer to his letter stating that the Committee have all along been most anxious to secure a return of that peace and unity for which the parish and Committee were heretofore distinguished, and they hope Mr. Orr and such as may be acting in concert with him may see their way to join in the promotion of such a laudable project.

An amendment was moved by the Rev. R. Holmes Orr and seconded by T. P. Miller, Esq., "That two members of the Church of Ireland be elected on the Committee in the place of Captain Johnson (deceased), and Mr. Samuel William Hewitt, gone."

After considerable discussion, Mr. Coulter moved, and Mr. Miller seconded, "That this meeting adjourn till the 28th November, at 12 o'clock, which was accordingly agreed upon."

1878. Professor DOUGHERTY.—We could get away from this ancient history if you would make your charges against Mr. Moore more specific, and we might then be better able to judge whether Mr. Moore has been acting in a high-handed way.

Rev. Mr. Ledoux.—You have to see how he used his casting vote illegally. After Mr. Ward died in 1874, Mr. Moore was appointed patron of the schools, but not manager. This appointment seems to be irregular for several reasons. The Committee also was not constituted in accordance with the fundamental principles.

1879. Professor DOUGHERTY.—What do you mean by that?

Rev. Mr. Ledoux.—There was not on it one-half of the Irish Church and one-half of Presbyterians. Mr. Orr wanted to have a manager or joint managers appointed *de novo* by the committee constituted in accordance with the fundamental rules, or the appointment of Mr. Moore confirmed. This seemed to be the course required by Rule 109 of the National Board.

"When a school is under the patronage of joint patrons, of trustees, or of a committee, a local manager should be appointed by them."

Accordingly, on the 8th of August, 1879, Mr. Orr wrote to the National Board informing them that the Rev. D. R. Moore was not the manager. In later letters, which will be found in the minute book, he drew attention to the fact that Mr. Moore was never legally appointed, that half the committee protested against his being forced upon them by the Board. The National Board, in a letter of 25th October, 1879, informed Mr. Orr that the Rev. D. R. Moore was the original applicant of the above-named schools, and was such with the approbation of the committee, that he is *de facto* and *de jure* the manager of the schools. They sent a copy of this to Mr. Moore, which he acknowledges as follows:—

"Hollypark, Killybegs,
2nd November, 1879.

"GENTLEMEN,—I beg to acknowledge the receipt of yours of 28th of October, enclosing copy of a letter from Rev. R. H. Orr, and copy of your reply to the same. I am very sensible of your courteous and impartial action in so doing. I do not wish to trouble you with any counter statement of the case, further than to state, that the referees in the appointments of a master have been the Churchwardens. These were formerly Presbyterians, now they are members of the Protestant Episcopal Church. This is election would throw the power entirely into their hands. It would therefore be unwise in the Presbyterians to submit to the claims of the Episcopal party without some settlement on this point, and that they absolutely refuse to do. Besides these united schools have been for about 50 years under the management of the late Rector, and we fail to see why there should now be a host of intolerant jealousy raised when the Presbyterian Minister is appointed, especially when the people of the district are almost all and were once entirely Presbyterian.

"Yours very truly,
"D. R. MOORE.

"The Secretaries,
"Education Office, Dublin."

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Oct 21, 1899

Rev. E. Paul
T. Lefoux.

Rev. Mr. Lefoux.—The reference, according to the deed of grant in 1837, are the Churchwardens, but it must in fairness be stated that this clause was never acted upon. The schools were for 50 years under the management of the Rector, and he and the Incorporated Society did all the paying.

Rev. D. R. Moore.—I do not agree that he did all the paying.

1280. Dr. TRAILL.—What do you complain about on that point?

Rev. Mr. Lefoux.—Mr. Moore says in his letter that in the past the people of the district were all Presbyterians: What about the Remonstrants?

Professor DOUGHERTY.—It is quite clear that the majority of the people here are members of the Presbyterian Church, and there must have been a difficulty in the past in getting men of the Episcopal Church to act as Churchwardens.

1281. Dr. TRAILL.—Pass on and give us your views as to what you think we should do in the matter.

Rev. Mr. Lefoux.—As to the Churchwardens, they were not always Presbyterians.

1282. Dr. TRAILL.—I must ask you to pass from the Churchwardens question altogether. I know that ministers of the Church very often appointed Presbyterians as Churchwardens, and the fact of their being Presbyterians has nothing to do with the question before us now.

1283. Professor DOUGHERTY.—Can you suggest any arrangement to us in this matter?

Rev. Mr. Lefoux.—No.

1284. Dr. TRAILL.—Suppose we make the Committee equal on both sides?

Rev. D. R. Moore.—We suggested that the National Board Inspector for the time being might be the referee.

1285. Dr. TRAILL.—We want to try and get at some plan by which any difficulty arising as to this question of the Churchwardens might be settled in some particular way. (To Mr. Moore.) You say you are satisfied with the Inspector?

Rev. Mr. Moore.—I said that before to the Rev. Mr. Orr.

1286. Dr. TRAILL.—Do you agree to that still?

Rev. Mr. Moore.—I would be satisfied with the Commissioners of National Education.

Rev. Mr. Lefoux.—Would the Bishop of the Diocese do?

1287. Dr. TRAILL.—And how would the Moderator of the Assembly also do?

Rev. Mr. Moore.—I think that would do very well.

1288. Professor DOUGHERTY.—I would prefer leaving it to the State Authority, who would have nothing to do but appoint the best men.

Rev. Mr. Lefoux.—The members of the Irish Church seem to have spent on the schools, apart from building expenses, about £2,000, while all the other denominations spent only £29 15s. 1d.

1289. Dr. TRAILL.—The Church of Ireland were the richest portion of the community, but I don't think we can go into those figures now.

Rev. Mr. Lefoux.—We had a feast day, the day turned out wet, yet by Mr. Moore's order the doors of the school were shut, and the children kept out. They had also a concert on behalf of the schools in Holy Week.

Rev. Mr. Moore.—I was not responsible in any way for that, as I had nothing to do with the arrangements.

Rev. Mr. Lefoux.—You were responsible. If you appoint a Governing Body, Presbyterians and members of the Episcopal Church in equal numbers, and the Remonstrants to such an extent as their numbers entitle them to, I would ask you to consider what the Church has done for the school; that, besides expenditure at building, we spent upwards of £2,000 upon it, and that all the others only spent £29. It is the only room we have; it was built for the purposes of the parish, and I think we should have control of it outside of school hours.

Professor DOUGHERTY.—Mr Ward did not build the schools. There were grants from the public funds, and we could not give you control of it as minister of the Irish Church.

Rev. Mr. Lefoux.—But since then we have spent, as I have said, £2,000 upon it, against £29 from other denominations.

1290. Professor DOUGHERTY.—The Rev. Mr. Ward gave his money to these schools on fundamental principles, which were intended to exclude this question of denominationalism from the management of the schools.

Rev. Mr. Lefoux.—Yes, but we want the use of the school for a Sunday school, and also for a feast day. On one day we were excluded.

1291. Professor DOUGHERTY.—What do you call a feast day?

Rev. Mr. Lefoux.—A fête day for the children.

Rev. Mr. Moore.—I was going away on that day from home, and they had not intimated to the Inspector that they wanted the school on that day for religious purposes, nor did they ask me to do so.

Rev. Mr. Lefoux.—It was a holiday, and there was no school. The building was not wanted for religious purposes, but to give the children their food, and to shelter them from the rain. The day was very wet.

Rev. Mr. Moore.—I told the teacher that if there was any withholding of the salaries on account of any breach of the rules of the National Board, I would not be responsible.

1292. Dr. TRAILL.—It was a very fair question to raise, seeing that the school was about to be used for religious purposes in school hours.

Rev. Mr. Moore.—I received this letter (produced) regarding the matter from Mrs. Hodge, the teacher. It is dated "Larch Hill, Craigavon, 13th October, '90," and in it she says:—

"I remember the day that the Sunday-school scholars went into Mr. Chambers' barn. Your letter on that occasion was to the effect, that you, thought the Commissioners would not allow any kind of religious meeting in a National School during school hours, and that should any risk be incurred by which the teachers might forfeit their salaries, you would not be responsible. In the face of this warning, and the morning being fine, the children and teachers assembled outside the schoolhouse, and went for a walk before having tea. I do not remember if Mr. Matthews made any move in the matter—I rather think not; but later in the day, when rain came on, I certainly offered to open the school, knowing that I would have your approval in doing so, as school hours were then about over, and there was therefore no further danger of forfeiting the Commissioners' grant, which you had had so much trouble in obtaining; but my offer was distinctly refused, and Mr. Chambers' barn accepted instead."

1293. Dr. TRAILL.—A very important question would be raised by asking for the use of a National school for a Sunday-school meeting on week days.

Rev. Mr. Lefoux.—It has always been the case here.

Rev. Mr. Moore.—I was away from home on the occasion, in consequence of the death of a friend.

Rev. Mr. Lefoux.—I think that the fundamental rules should be confirmed, and that we should not interfere during school time with the religious views of the children. I think the Remonstrants should have a certain proportion on committee, and I think the Irish Church should have half of the representation considering the work it has done.

1294. Professor DOUGHERTY.—Have you not found difficulty in the parish in getting members to represent your Church efficiently on this managing committee?

Rev. Mr. Lefoux.—The question has not arisen in my time.

1295. Professor DOUGHERTY.—I understood you to say there was a difficulty, and that you wanted power to select from outside the parish.

Rev. Mr. Lefoux.—We want the same provision in the future as in the past.

1296. Professor DOUGHERTY.—Would you like it to be made a condition that the members of the committee should subscribe?

Rev. Mr. Lefoux.—Yes, I should like to see that.
1297. Professor DOUGHERTY.—And you would give representation to subscribers as such?

Rev. Mr. Lefoux.—Provided our one-half is not disturbed; I do not want that.

1298. Mr. Muir.—What would the subscriptions go to?

Professor DOUGHERTY.—To the repairs of the school, which are all to be paid for.

1299. Mr. Muir.—Would not the National Commissioners do that?

Professor DOUGHERTY.—No; the school is non-sectarian.
Rev. Mr. Lefoux.—In the parish there is our own church, also the Rev. Mr. Moore's, the Rev. T. S. Woods' at Ballygowan; the Rev. Mr. Gibson's at Rafferty; and the Rev. Mr. Hodges' of Killinchy; with whatever position you give to the Rev. Mr. Wilson, whose church is outside the parish.

1300. Professor DOUGHERTY.—Would you take in all those ministers?

Rev. Mr. Lefoux.—I would not exclude them.

1301. Dr. TRAILL.—But as long as your denomination forms half of the committee, you do not care how the other half is made up?—Certainly.

1302. Professor DOUGHERTY.—Are the returns which have been given to us of the children attending the school correct?—I never looked at them.

1303. Dr. TRAILL.—Are there not 16 Episcopals,

35 Remonstrants, and 94 Presbyterians?—I have not the slightest idea on the matter.

1304. Dr. TRAILL.—In the population your people number 289, and the Presbyterians 1,533, and is it not likely that the majority of the children will belong to the Presbyterian Church?—Yes, I think so.

1305. Dr. TRAILL.—And as a reasonable man don't you think that in a parish like this, where the Presbyterians are the vast majority of the population, the school must be attended principally by Presbyterian children?—But Presbyterians should not under the circumstances have the controlling voice.

1306. Dr. TRAILL.—Would you object to the headmaster being a Presbyterian, provided that another member of the teaching staff belonged to your denomination?—If the one is a Presbyterian I would like the other to be a member of the Church of Ireland.

1307. Dr. TRAILL.—In a place like this, where there is an overwhelming number of Presbyterians, do you not think the headmaster should be a Presbyterian? What would you say in case we arranged that one should be a Presbyterian and the other an Episcopalian?

Rev. Mr. Moore.—The master at present is an Episcopalian, but I do not object to that.

Rev. Mr. Lefoux.—I do claim half for our Church, and I think we are entitled to that.

WM. GEORGE MULLIGAN, L.B.R.

1308. Mr. Muir.—The numbers of the children belonging to the school are:—Established Church, 18; Remonstrant Presbyterians, 35; Orthodox Presbyterians, 94. There has been some objection I believe to us non-subscribers getting any representation on the Committee in charge of the school. In this discussion I think I might claim a principle that is well known—that of allowing the intentions of the donor to control. The deed or lease of 1827 refers to certain fundamental rules framed by a joint-committee, therefore I submit that these fundamental rules framed on the 3rd of May, 1826, are to be taken as part and parcel of the deed. If that be so I will read the first resolution. It is as follows:—

"The leading principle by which this school shall be guided is to afford the same facilities for education to all classes of professing Christians within the parish, without any attempt to interfere with the peculiar religious opinions of any."

The education is to be non-sectarian, and we claim representation, and if you doubt our claims I refer to the minutes.

1309. Dr. TRAILL.—Would you be satisfied if there was a Unitarian on the committee?—We would suggest that the Church of Ireland and Orthodox Presbyterians should have joint management, but that we should have an ex-officio member, and also an ordinary member on the committee.

1310. Professor DOUGHERTY.—It does not appear that a Remonstrant Presbyterian was ever appointed on the committee as an ex-officio member. On the contrary, when a vacancy in the Established and Presbyterian Churches occurred, they waited until that was filled up before appointing another ex-officio member of the committee.

Mr. Muir.—That might have been accounted for by the feeling that then prevailed in the Presbyterian Church. We claim nothing new more than representation.

1311. Dr. TRAILL.—At the time the money was given there was no distinction at all between the two classes of Presbyterians?—No; but it was recognised afterwards.

1312. Professor DOUGHERTY.—The number of Presbyterian children of the General Assembly attending the school is 94; that is more than half of all the children put together. It would appear also that the Presbyterian population connected with the

General Assembly is vastly in excess of all the other denominations, including both the Church of Ireland and the Remonstrants, and I think it would hardly be reasonable to reduce the representation of the Presbyterian body in order to include a member of the Unitarian body, for whom there is no provision made in the original constitution of the committee.

Mr. Muir.—Give the Presbyterians and Episcopals equal numbers, say four each, if you like, but give us one.

1313. Professor DOUGHERTY.—That would be the casting vote. The Presbyterians and the Episcopals are to have an equal voice on the committee, and you representing another Church—the Unitarians—want to have the casting vote on the managing committee.

Mr. Muir.—I do not bring in any question as to whether Unitarians are Presbyterians or not. You must see that we are entitled to some share in the representation in accordance with the fundamental principles. As to the formation of a new scheme also it is clear that there must be an arrangement come to now as to the various bodies. I now say, give the Church of Ireland and the Orthodox Presbyterians an equal number of votes, but give us a representation also.

1314. Professor DOUGHERTY.—How do you propose that your representatives should be selected?—Well, I should say that it would be by a vote of the shareholders in the church, or a vote of the members of a certain amount, or there might be some other way.

1315. Professor DOUGHERTY.—Don't you think it would be a reasonable thing to give subscribers representation on the committee of the school?—It would; to those who subscribed to the funds of the school—that would be a reasonable thing.

1316. Professor DOUGHERTY.—Would you think it fair that the parents of the children in school attendance should be represented on the managing committee?—That would also be a reasonable thing.

1317. Dr. TRAILL.—Suppose the joint-managers were left as they are, and these subscribers were also allowed a vote in the matter?

Dr. Todd Martin.—But suppose you swamped the committee by subscribers?

Mr. Muir.—We hold that the committee should contain a certain number of members of the Irish Church, Presbyterians, and non-subscribers.

Oct. 31, 1896.
Wm. George Mulligan.

1318. Dr. TRAILL.—Subscribing to the schools would be a matter of great importance.

Mr. Mulligan.—I agree with that.

1319. Professor DOUGHERTY.—In whom would you vest the appointment of the teachers?—In the hands of the committee.

1320. Professor DOUGHERTY.—And with reference to the churchwardens, what would you do?—I would do away with that arrangement altogether.

1321. Professor DOUGHERTY.—And have no reference?—No reference.

1322. Dr. TRAILL.—And if there was a half voting on each side, how would you settle the question?—Let the non-subscribers come in and settle it. I take it that I need not bring forward any evidence regarding Unitarians having been on the committee.

1323. Professor DOUGHERTY.—Do not take it for granted that the Unitarians have ever been represented on the committee. I understood from Mr. Moore that Savage Osborne came in and took his place as representing his father on the committee, but the committee books saying so had not then turned up.

Mr. Mulligan.—We have it in evidence that he acted on the committee, and that no protest was raised against him.

1324. Professor DOUGHERTY.—Yes, but it was not proved that he was there representing the Unitarian Church.

Rev. Alexander Wilson.—You will find that he was there acting in the ordinary way.

1325. Professor DOUGHERTY.—Evidence drawn from the state of affairs at that time is of no use as a guide to us in formulating a scheme that will have to be now drawn up in altered circumstances.

Mr. Mulligan.—If you admit the non-subscribing Presbyterians you would have three—the Presbyterians, Episcopalians, and non-subscribers.

Rev. Mr. Ledoux.—The whole difficulty has arisen in consequence of Mr. Moore's management.

1326. Professor DOUGHERTY.—You think if you had been in Mr. Moore's position it would have been better?

Dr. TRAILL.—The Rev. Mr. Ward provided in this School for the Presbyterians of his day.

Mr. Mulligan.—We will have a dead lock if you put on 3 or 4 of any particular denomination.

Professor DOUGHERTY.—And you want a controlling power in the hands of your own people?

1327. Dr. TRAILL.—Are there any Roman Catholics in the district?

Rev. Mr. Ledoux.—Not in the immediate district.

1328. Dr. TRAILL.—How far is that portion of the parish where the Roman Catholics are from this?

Rev. Mr. Ledoux.—About two miles from this.

1329. Professor DOUGHERTY.—Have they schools of their own?

Rev. D. E. Moore.—Yes, that is chiefly in Carrick-inishon district.

1330. Mr. Mulligan.—I would refer the Court to "Taylor on Evidence," page 965, Vol. II., in the appeal case of Drummond v. The Attorney General, where it is stated:—

"Through declarations of intention, except in the cases before alluded to, cannot be reached in evidence to explain an ambiguity in a written instrument, yet, if the instrument be an ancient one, and its meaning doubtful, the acts of the author may be given in evidence in aid of its construction. Thus, in the case of the Attorney-General v. Brasenose College, the House of Lords held that proof of the application of the funds of an ancient charity by the original founder and that trustee was strong evidence of intention, and might be so treated by the Court, in construing the grant. So, in the case of the Attorney-General v. Drummond, Lord Chancellor Selborne, while acknowledging that he could not receive evidence of the declaration of the founder of an ancient charity, either against or in favour of his grant, held that he was clearly entitled to inquire as to what acts the founder had done in relation to the charity; and his lordship observed, that one of the most settled rules of law for the construction of ambiguities in ancient instruments was, that the Court might resort to contemporaneous usage to ascertain the meaning of the deed. 'Tell me,' said he, 'what you have done under such a deed, and I will tell you what that deed means.' Lord Chief Justice Tindal also has declared that for the purpose of ascertaining the sense of an old charity grant, evidence of the early and contemporaneous application of the funds of the charity itself by the original trustees under the deed was certainly admissible."

Then, in addition to that I would quote to you, from "Lewin on Trusts," I would refer you to page 633, and the case is that of the Attorney-General against Bliton. (Drury's Reports 510.) It there says:—

"And by the 7th & 8th Vic., cap. 45, sec. 2, if the instrument of trust do not in express terms, or by reference to some book or other document define the religious doctrine, twenty-five years usage immediately preceding any suit is made conclusive evidence thereof."

Those are the authorities that I would advance, and I would ask you to consider them.

1331. Dr. TRAILL.—What use do you make of that?

Mr. Mulligan.—To show that it was evidently the intention of the donor to include us in the grant, because he allowed us to be on the Committee during his time. I base that on the name of John Morrow.

ANDREW MORROW SWORN AND EXAMINED.

Andrew Morrow.

1332. Witness.—There were no rows here in my father's time.

1333. Professor DOUGHERTY.—Do you think the schools are not so well managed as they were? I say as well as in Mr. Ward's day.

Rev. Alexander Wilson.

1335. I am here as the Presbyterian minister of Killinichy. I held that the Rev. D. R. Moore is not the Presbyterian referred to in the title-deed of the Killinichy school, but that I, as successor to the Rev. Samuel Watson, am the person mentioned.

1336. Professor DOUGHERTY.—We have it in evidence that Mr. Ward accepted the Rev. Mr. Anderson of the congregation of which the Rev. Mr. Moore is minister, and we have it further in evidence that Mrs. Ward handed over to the Rev. Mr. Moore the documents on which he acted.

Dr. TRAILL.—In which church did the Rev. Mr. Watson officiate originally?—In what I call the Schism

Church—the church in which the Rev. Mr. Moore preaches at present.

1337. Dr. TRAILL.—Is not the person in occupation of the same church the Presbyterian minister of Killinichy now?—He is not. There was some endowment in connection with Killinichy Presbyterian Church, and the Rev. Samuel Watson was always recognised as Presbyterian minister of Killinichy, and continuously received the *Episcopus Denarius*.

1338. Professor DOUGHERTY.—The founder of this charity, who may be supposed to have known his own intentions, recognised the minister of the congregation of which the Rev. Mr. Moore is the present minister.

Rev. Mr. Wilson.—By the Dissenters' Chapels Act we are not to look into the intentions of the donor at all. I wish to prove to you that I am the Presbyterian minister of Killybegs. The Rev. Mr. Watson brought with him certain other bequests to our church, and these bequests were divided, as the congregation brought them along with them.

1339. Professor DOUGHERTY.—Did he take the church with him?—No, but he brought the congregation with him.

1340. Rev. Todd Martin.—Why did he not continue in the pulpit?

Rev. Mr. Wilson.—Because he was ejected. I have just mentioned that we received certain bequests. These bequests came with Mr. Watson, whom I represent to-day. Then, in the course of time, Dr. Lowry left a bequest to the congregation. The following is from the minute book:—

"23rd April, 1836. Committee met to-day. Dr. Lowry's Charity. From 6th December, 1835, the date of notice of motion served upon Mr. David Mann, Treasurer of the Congregation, till 23rd of April, 1836, we were subjected to no further annoyance respecting the Charity. However, another notice of motion, bearing date 23rd April, 1836, was served, and on 26th of same month the case was argued before Commissioner Hargrave. The claim having been argued, and the Commissioner having expressed much doubt upon the case, though he appeared to be rather in our favour, a compromise was proposed by Mr. Smith, counsel for Mr. Anderson's Congregation—viz., to divide the fund. To this compromise the Committee, for the sake of peace and to avoid litigation, acceded.—HARRISON PARRON, Chairman."

1341. Dr. TRAILL.—That proves nothing at all in law.

Rev. Mr. Wilson.—At that time the standing of my congregation was on an equality with the standing of the other.

Dr. TRAILL.—We will assume all that.

1342. Professor DOUGHERTY.—What is the number of your seat-holders?—320.

1343. Dr. TRAILL.—But did the majority go with Mr. Watson?—Yes.

Rev. Mr. Moore and others here said that was not the case.

1344. Rev. Alex. McCrory (Killybegs).—The congregation at the time consisted of about 800 families in nominal connexion with the congregation, and only about a third went over with Mr. Watson for the formation of the Unitarian Congregation.

1345. Professor DOUGHERTY.—What we are concerned with is the providing of a scheme to give a satisfactory and efficient governing body for this school. If the school is to be carried on efficiently and satisfactorily the majority in the parish must be well represented on the governing body, and we should be glad if you could now convey to us how you think your interests could be protected.

Rev. Mr. Wilson.—I propose to have equal representation with Mr. Moore. The bequests were equally divided between the two congregations, and I do not see why I should lose my title of Presbyterian minister.

1346. Professor DOUGHERTY (to witness).—How do you meet the point that the Hon. Rev. Henry Ward never appointed any members of your congregation on the committee?—I do not lose my title of Presbyterian minister of Killybegs by Mr. Ward's action in the matter.

1347. Professor DOUGHERTY.—Do you propose to oust Mr. Moore, and take his place?—Certainly not.

1348. Dr. TRAILL.—If you and the Rev. Mr. Moore were on the committee, would you be inclined to say that the Rev. Mr. Ledoux should have another clergyman of his denomination added?—I think Mr. Ledoux should get half on the Committee. I want to have three ex-officio members. Here is a memorial (produced) from the Remonstrant Presbyterians of Killybegs.

1349. Dr. TRAILL.—(reading the memorial):—

"We, the Remonstrant Presbyterians of Killybegs, pending an inquiry about to be held before the Royal Educational Commissioners, humbly ask that Commission to give us a share in the management of Killybegs National Schools. Our congregation is composed chiefly of the largest category in the district, and consists of about 225 families. From the fundamental rules of the schools, the too great cost of site, the money granted by us for building purposes and given since for repairs, as well as from the fact that a member of our congregation did represent us when the Hon. and Rev. H. Ward had practically the whole management, we consider that we may justly claim to be represented on the School Committee."

Then follow a large number of names. There are large omissions, no doubt, mentioned in connexion with some of these names.

Rev. Mr. Wilson.—I am not going to sink my claim to the title of Presbyterian minister of Killybegs.

1350. Professor DOUGHERTY.—Do you think it would be fair to allow the minority to take the position of the majority?—There are children belonging to my congregation who go from the Saintfield Road to schools, because they are managed differently from the Killybegs Schools. If we had a fair representation these schools would be greatly improved, and both teachers would be amply paid. I only want what is fair. You can see how much my congregation subscribes to the cause of education in the country. We really pay more than any denomination connected with the school.

1351. Professor DOUGHERTY.—Is this a contributory union?—It is. I do not want Mr. Moore to be an ex-officio member of the Committee unless I be one also.

1352. Professor DOUGHERTY.—Would you, Mr. Ledoux, object to two Presbyterian ministers being ex-officio members along with yourself?

Rev. Mr. Ledoux.—Certainly. I could not accept that.

1353. Professor DOUGHERTY.—Mr. Ledoux would not be particularly happy with either, and would be specially unhappy with both.

Rev. Mr. Wilson.—I think Mr. Moore should not be made an ex-officio before I am made an ex-officio member.

Rev. WILLIAM TODD MARTIN, D.D.

1354. I only want to call the attention of the Commissioners to the fact that the Hon. the Rev. Henry Ward and the Ministers of the General Assembly always co-operated most heartily together, that he preached in our pulpits, and that in the main he was strongly in favour of the doctrine on which Episcopalians and Presbyterians agreed, and also in which they differed from the Unitarians. Looking at the subject of enquiry from a practical point of view, I say it is perfectly useless for the Commissioners to turn aside from the great fact that the great body of

the people in this district are Presbyterians. If you depart from the original deed which made the composition of the Committee equal in the two churches by introducing a new and alien element, you will, I believe, do so at the expense of the prosperity of education in the neighbourhood, and I, as a representative of the General Assembly, would enter a strong protest against that line of procedure. I hold that the Presbyterian Church must not be placed in the interests of education, in a position of any inferiority to the late Established Church.

Oct. 21, 1890.

Rev.
Alexander
Wilson.

Rev. W. Todd
Martin, D.D.

Oct. 31, 1889.

Rev. W. Todd
Mafie, D.D.

1355. Professor DOUGHERTY.—Did you ever consider the question as to the power originally vested in the churchwardens regarding the selection of teachers?—Yes; I would constitute the National Board of Education the umpire in cases of dispute on the Committee.

1356. Dr. TRAILL.—That is in one there is any difference here?—Yes.

Rev. Mr. Ledoux.—I agree with that suggestion.

Rev. Mr. Moore.—I also agree with that.

Rev. Mr. Ledoux.—But I also hold that one principal teacher should belong to the Church of Ireland.

JAMES RITCHIE sworn and examined.

James Ritchie.

1357. Professor DOUGHERTY.—You are teacher of this school?—Yes, I was appointed in 1881.

1358. Were you trained as a National School teacher?—Yes.

1359. To what denomination do you belong?—The Irish Church.

1360. And you belonged to it at the date of your appointment?—Yes.

1361. What number of children is in attendance at your school?—Sixty on the rolls.

1362. What is the average attendance?—About forty.

1363. This is the boys school only?—Yes.

1364. Have you a return of the attendance?—Yes; 8 of the Irish Church, 33 Presbyterians, and 23 Unitarians.

1365. You class the Remonstrant Presbyterians separately?—Yes, we call them Unitarians; they did that when I came here.

1366. Do you give religious education?—Yes.

1367. What is it?—Just the reading of the Holy Scriptures.

1368. You do not teach the Catechism?—No.

1369. You never were asked to do so?—No.

1370. The Scriptures are read without note or comment?—They are.

1371. Are the schools visited by ministers?—Sometimes.

1372. Do you hold any office in the parish?—I am vestryman, and teach in the Sunday school, but I hold no other office.

1373. Did you receive any money from the Incorporated Society?—There were £5 sent to me and I gave it to Mr. Orr, who, with Mr. Moore, came and examined the schools half yearly.

1374. You do not teach the Church formularies?—No, never.

1375. Is there any money available, in the hands of any person, for the payment of the teachers of these schools?—No, I do not know.

1376. You never made application for money?—No.

1377. Mr. Orr never conferred with you on that subject?—No, except as to the £5 from the Incorporated Society; he said it was for the special class examinations and not for us.

1378. Do you know why that Society withdrew this grant?—No, there was an application made that they should give the grant that they had withdrawn.

1379. Rev. Mr. Moore.—We believe that money from the Incorporated Society, which we hold should be for the good of the whole school, was applied to a separate class which is conducted by Mr. Ledoux or used for the other examinations connected with that Church?

Witness.—It was used at the examination conducted by Mr. Ledoux and you.

Rev. Mr. Ledoux.—The Incorporated Society gave £15 annually, but withdrew their grant. Mr. Orr wrote to them saying that religious instruction was communicated, and they then said they would give £5 on the report of our Diocesan Inspector. I presented to him the children I teach in Sunday school and outside of school hours, and they sent £5 to be devoted to religious instruction. I asked them how I was to spend it; they gave no reply, and I distributed it as in Mr. Orr's time. I gave £3 or £4 last year to the teacher of the day schools as results fees.

Rev. Mr. Moore.—I was present and examined them only in Scriptures.

1380. Dr. TRAILL.—Did you give it on the results of the examination of children of all denominations?

Rev. Mr. Ledoux.—To all they chose to send forward.

1381. Dr. TRAILL.—To Presbyterians and other children?

Rev. Mr. Ledoux.—Yes, I did not inquire what they were.

1382. Dr. TRAILL.—Are the examinations of the Diocesan Inspector held here?—They are held in the church.

1383. Professor DOUGHERTY (to witness).—What were your results fees from the school last year?—£21 5s. 3d.

Mrs. KIRKPATRICK sworn and examined.

Mrs.
Kirkpatrick.

1384. Professor DOUGHERTY.—What is the date of your appointment?—January, 1886.

1385. You were appointed by the committee?—I understand so; Mr. Moore communicated with me.

1386. Did you hold any other appointment under the Board?—Yes, Deirdred was the last.

1387. You were trained under the Board?—Yes.

1388. What class are you in?—First of first.

1389. You give religious instruction?—Yes.

1390. What is it?—Reading the Scriptures.

1391. And that has been given in accordance with the rules of the National Board?—Yes.

1392. Have the ministers visited the school?—Yes.

1393. They have asked you to give religious instruction?—Yes.

1394. What is the number of children on the rolls?—Eighty-seven.

1395. What is the average attendance?—For the year it has been 59. Of those on the roll 61 are Presbyterians, 13 of the Irish Church, and 13 who

dispute the title I give them.—Remonstrant Presbyterians.

1396. What amount of result fees had you last year?—The total amount was £48 and some shillings.

1397. Did that include the contribution from the Union?—Yes.

1398. Dr. TRAILL.—Do you know the people through the parish pretty well?—Yes.

1399. Do you think would there be any large increase in the numbers at your school, from the Remonstrant Presbyterians, if a change in the Governing Body took place?—I have been told by a number of the Remonstrants that I would be shifted. We had several disputes about a coal account; it was all about money matters.

1400. If the Representative Committee were increased would it increase the number of your scholars?—I do not think it would.

1401. Would the Remonstrant Congregation not send more?—I don't think any of them withdrew

their children except it was on account of some personal quarrel.

1402. Would the presence of Mr. Wilson on the Board lead to an increase of the numbers attending the school?—I am afraid I cannot give any opinion on that.

1403. What assistance have you in the school?—I have the assistance now of a monitor. Shortly after I came here my sister was living with me, and she was assistant.

1404. Do you teach many extra subjects?—Two extra subjects—the one is agriculture and the other is music.

1405. Does the master teach agriculture?—Yes.

1406. Do you teach the music?—My sister did it.

1407. Do you teach handicraft of any kind?—Needlework.

1408. Rev. Mr. Wilson.—Have I not been in your school sometimes?—Yes, this morning and once before that.

1409. Did I ever go in that I did not treat you in the most polite and gentlemanly manner?—Certainly not.

1410. Did I not tell you that you need not fear anything that might be done by the Commission; that you would be kept here, no matter what turn matters would take?—Yes.

1411. Professor DOUGHERTY.—I hope you always deserved the greatest possible encouragement?

Witness.—Yes, but I was told I was keeping my books wrong. Mr. Boyd told me that.

1412. Professor DOUGHERTY.—Have the parents ever conveyed to you any intimation as to how their children are to be registered?—No.

1413. Dr. TRAILL.—How do you enter them?—As Unitarians.

Rev. Mr. Wilson.—We have property invested, but that title is not the one used.

1414. Dr. TRAILL.—Suppose I left property to the Unitarians who would claim it?

Col. St. 1430.
—
Mrs. Kilpatrick.

JOHN BOYD sworn and examined.

1415. Dr. TRAILL.—Have you any observations to make regarding this school?—Not very many.

1416. What is the object of your observations?—That my children were put down as Unitarians, whereas they were formerly put as Non-subscribing Presbyterians.

1417. You have children there?—Yes. I objected as to the keeping of the books.

1418. Did you use any language of a threatening nature?—I did not. My wife asked one time about the sweeping of the floor, and I objected to my children being entered in the books as Unitarians.

1419. Professor DOUGHERTY.—Do you consider the term Unitarian derogatory?—Well, but my church has got another name.

1420. Rev. Mr. Wilson (to Witness).—You have three children there?—Yes, I once had four.

1421. Are you satisfied with the working of the committee?—Well, I think an improvement could be made.

1422. And have you an idea of taking your children from this school?—I was thinking of that.

1423. Dr. TRAILL.—What suggestion would you make for an improvement?—I think there should be

some person connected with our church on the committee.

1424. Professor DOUGHERTY.—I understand that what you would like is to see on it a representation of the various denominations of the pupils in attendance at the school?—Yes.

1425. And you think that is a sound principle as applied to National schools?—Yes.

1426. Do you know anything of the circumstances of the Ballyfern school?—No.

1427. But you would think that a sound principle there too?—Well, I do not know the relative merits of the two.

1428. You think a representation of the denominations of the pupils at the school would be an advantage?—Yes, if done in a right spirit; but I don't think the children should be trampled upon.

1429. Then you are in favour of the minority having the larger representation?—I don't know, because I look upon it that we are trampled on in this country.

Rev. Mr. Wilson.—We have 110 stipend payers in this parish. I will send to you in Dublin a report showing the income and expenditure of the congregation.

John Boyd.

WILLIAM McILWRAITH sworn and examined.

1430. Rev. Mr. Wilson.—You live in the parish of Killybeggy?—Yes.

1431. Until lately you have had children attending this school?—Yes.

1432. And now you send them to a school two and a half miles away from this?—Yes.

1433. What ages are they?—Children aged ten and eight years.

1434. Professor DOUGHERTY.—Parents are apt to take partial views of these things?

Witness.—No; I wrote a line to each teacher to administer punishment when it was rightly due, but not to maltreat.

1435. Professor DOUGHERTY.—Then you withdrew your children from this school, not because of mismanagement of the Committee, but because of the misconduct of the teachers?—I would not allow my children to be cross-examined by Mr. Ledoux or by Mr. Moore either.

[Both teachers have denied the accuracy of the statement as to flogging the children].

1436. Rev. Mr. Wilson.—After a change on the Committee you would send your children to the school?

Witness.—Yes, with the present teachers, but I think there is a kind of religious animosity there at present.

1437. Professor DOUGHERTY.—Why did you send children to Ballyfern—are there not schools nearer?—Well, I sent them there because I thought her a proper teacher.

1438. Is the management of that school in the hands of a better denomination?—No.

1439. Is it because the manager is a gentleman of your own denomination?—No.

1440. Do you consider it reasonable that where there are pupils of various denominations attending schools, those denominations should be represented on the Managing Committee?—Certainly.

Witness
McIlwraith.

Oct. 31, 1896.
—
William
McGivern.

1441. And would you apply that to Ballyderna as well as Killinohy?—I would, I think parties of every denomination should be represented on the committee.

1442. Professor DOUGHERTY.—Have you any other witnesses?

Mr. Mulligan.—No.

1443. Rev. David R. Moore.—In conclusion, I wish to remark regarding the statement of Mr. Ledoux that I withheld the minutes from him. It was not exactly the minutes, but all documents that he asked for, and I did not give an absolute refusal. I said that on my own authority I could not give them; but as they were given to Mr. Orr, by the direction of the committee, so he would get them on the action of the committee, and I offered to call a meeting of the committee for that purpose. I hope you will take into consideration these endowments, and that you will arrive at some satisfactory arrangement.

1444. What endowments?—Mr. Ward's endowments.

1445. Dr. TRAILL.—Was the money from the Killinohy houses to be vested in the Incorporated Society for the benefit of the schools?

Mr. Miller.—That was in case they did not make up a sufficient sum to support a clergyman.

1446. Dr. TRAILL.—And what has become of these houses?

Mr. Miller.—The houses are not sold.

1447. Dr. TRAILL.—Are the rents still received?

Mr. Miller.—Mr. Marland, solicitor, of Dewonpatrick, got the deed; he handed it over to Mr. Major. It is only a lease for forty years.

1448. Dr. TRAILL.—What is the income of the parish?

Rev. Mr. Ledoux.—The income of the parish irrespective of the school is £200 and a house. The house is an extremely good one, and there are 18 acres of land also. I strongly protest against that sum going to the school committee.

1449. Professor DOUGHERTY.—We must have regard to the intentions of the founder, and if the money is to be applied to the school, it should be so applied.

Rev. Mr. Ledoux.—Mr. Ward said it was to go to the Incorporated Society for the support and improvement of these schools.

Rev. ALEXANDER MCCREERY (Killybegh).

Rev. Alex.
McCreery.

1450. I am a native of the parish of Killinohy, and I knew the late Hon. and Rev. Henry Ward, who co-operated with Presbyterian clergymen in all Christian work. For example, he took part in a congregational meeting of the Presbyterian Church in this parish to which I was sent by my Presbytery. He gave an admirable address, and while I did the official work for which I was sent, it fell to him to do the talking. Good work was done by the Rector of this parish for many years in the pulpit of this Presbyterian Church. But what I wish to say to you is this, that I knew his religious sentiments, and while I do not wish to speak disrespectfully towards the Remonstrants present, this I know, that his

religious belief was strongly in opposition to theirs; and from my knowledge of the man for many years, I knew that nothing could be further from the desire of the late Mr. Ward than that the views held by Unitarians should, through any action of his, be promoted and extended in this parish. I feel this statement due to the memory of one of the most excellent of men, and I am sure there is not one in this house who will contradict me when I say that never was there a man more opposed to the views of the Remonstrants than was the late Mr. Ward. I could give you some information as to the churchwardens, but I do not think you require it.

Rev. THOMAS DUNNINLEY, B.A., Comber.

Rev. Thomas
Dunninley.

1451. It is non subscription in which we believe, as we feel ministers cannot teach properly if bound to a creed. We are Non-subscribers and do not pledge our ministers to any particular catechism. There is here a mixed population, and you had here to-day a witness who might be belonged to no Church at all. I believe a Church not bound in more likely to carry on its work better than a cross-bound Church.

1452. Professor DOUGHERTY.—We are not here to discuss Church history or religious beliefs. Our sole business is to form a scheme for the proper working of this school. I trust we shall be able to frame a scheme which, if not quite satisfactory to everybody, will be the means of advancing the cause of education in this district.

Rev. D. R. MOORE.

Rev. D. R.
Moore.

1453. Before the Commissioners rise, I would like to direct their attention to the evidence given in "The Killinohy Case," as it was called—the case of Anderson v. Watson—which was connected with this very church, and was heard in the Court of Chancery, and proved Anderson to be the successor of Watson. On page 438 of James's "History of Legislation on Presbyterian Chapels," it is stated:—

"All the ministers had been orthodox down to the time of the Rev. Samuel Watson. He, it seems, subscribed on

his ordination, but he asserted that he gave a qualified subscription, i.e., said, when signing, that he subscribed as far as the Westminster Confession was in accordance with the Scriptures. It was proved in the suit that he entered an unwillingness to subscribe at all, but was told by one of the officers he would not be minister of Killinohy unless he did so."

I wanted to direct the attention of the Commissioners to that matter.

The proceedings then concluded.

PUBLIC SITTING—SATURDAY, NOVEMBER 1, 1890.

At the Courthouse, Ballycastle.

Nov. 1, 1890.

Present:—ANTHONY TRAILL, LL.D. M.D., F.R.C.D.; and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

JOHN SHARP'S ENDOWMENT.

1454.* Dr. TRAILL made an introductory statement, in the course of which he referred to the will * of John Sharp, dated September 17, 1798, whereby the sum of £450 was bequeathed for charitable purposes. Of this sum £50 was to be spent in erecting a school-house at Ramoon under certain conditions, the interest of £390 was to be paid to a schoolmaster to be appointed by his trustees, and the Rector and the Presbyterian minister of Ramoon, and the interest of the remainder to be paid to poor housekeepers of the Parish of Ramoon, to be nominated by the parishioners at every Easter Vestry.

Of the sum of £450 here mentioned, £50 seem to have been expended in the erection of the school-house in the first instance; and the sums now in the hands of the Commissioners of Charitable Donations and Bequests for Ireland are—first, £100 for the poor housekeepers; and, secondly, £179 1s. 4d. for a Protestant schoolmaster.

1455. Mr. R. C. MARTIN (Solicitor, Ballymoney).—I appear for the Rev. John Jackson, of Ballycastle, and the Rev. Silas Johnston, of Ramoon, both of the parish of Ramoon.

1456. Dr. TRAILL.—There is another school mentioned in the report of the last Commission—Ramoon, Moyaget, National Girls School.

Mr. MARTIN.—I am not instructed with regard to that school.

Rev. Silas Johnston (Presbyterian minister).—There is only one school at Moyaget.

Rev. Thomas Cox (Rector of Ramoon).—You can take cognisance of the one at Moyaget as well as the others.

1457. Professor DOUGHERTY.—Certainly.

Mr. MARTIN.—I am only connected with the Sharp bequest.

1458. Professor DOUGHERTY.—Does your application extend to the charitable endowment?

Mr. MARTIN.—It extends to the entire of these endowments.

Rev. Mr. Cox.—I would object to the charitable part being brought in by the Educational Endowments Commission. I do not know that they have any power.

1459. Dr. TRAILL.—Our Act of 1885 allows us to deal with endowments partly educational and partly charitable, and the only limitation is—

"If the proportion applicable to other charitable uses amounts to or exceeds one-half of the whole of the endowment, the Governing Body of such endowment, existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaffected by the scheme."

Rev. Mr. Cox.—It is distinctly mentioned in the will that one part is for education and the other part is for charity.

Dr. TRAILL.—But it is within our jurisdiction. If the proportion applicable to charitable uses does not exceed one-half of the whole endowment it is clearly within our jurisdiction to deal with it. But we can hear you afterwards.

R. C. MARTIN, Solicitor.

1460. I will state my case. We ask that the Commission should deal with the entire of this endowment as set out in the will. My clients object to the statement in the report of the Commission of 1881, that this school-house was built by subscriptions. We say part of the endowment you have now to deal with represents the school-house built by the £50 mentioned in the will. Another school-house was substituted for it about the year 1885.

1461. Dr. TRAILL.—I will read an important document signed by the Rev. W. H. Biedermann, then Rector of Ramoon, and the Rev. Samuel Lyle, Presbyterian Minister in Ballycastle. (Reads document.)

Mr. MARTIN.—I have got a copy of that. It is clear that the money for building the school-house was part of the endowment you have to deal with. My clients say that by this will of 1798 it is manifestly intended that the Presbyterian community shall have a controlling voice in the management and application of this endowment. The first point is that the testator himself appoints as his own trustees and executors Adam Hunter and Henry Clark, and we are in a position to prove they were both Presbyterians. That is a strong element in supporting the view that the testator himself was then a Presbyterian, as we believe he was, and as tradition says he was, or that he had the intention of benefiting the Presbyterian community. The same gentlemen are appointed trustees to the special endowment along with two other gentlemen, and one of them may have been a Presbyterian; but supposing the other two were Episcopalians, the Presbyterian trustees of the endowment are still in equal power, as far as numbers are concerned. If you refer to the latter part of the will, dealing with the endowment of

the school, you will see the testator states that the interest on the £200 is "to be paid annually to a proper and eligible schoolmaster, to be chosen by my said trustees and the Protestant and Protestant Dissenting clergymen of said parish for the time being." That would seem to show that the testator intended that part of the endowment should be equally under the control of the two Protestant clergymen—Dissenting as well as Established clergymen—in the parish. Then there were the funds which were to be distributed by the Easter Vestry. We ask you to remember that the Vestry was then a public and permanent body, representing the entire community, and not solely the Protestant Episcopal Church; and we ask, therefore, that when you come to make a scheme for the management of this endowment in the future, you will keep that point in view. Regarding the first part of the endowment—the payment of the teachers—we believe that it has been faithfully carried out. The first teacher of the school was appointed by the rector, with the concurrence of the Presbyterian minister. We have not had any share in, and have not been invited to take part in the nomination of the children who have received free education. We do not know who the children are that are educated free, nor are we asked about them; and we say that that is unfair. Then, as to the charitable endowment for Poor Housekeepers or Roomkeepers, we know not what has become of it. We understand there is still £160 available for this purpose; but we have never been asked to co-operate in the management of that part of the endowment, and we have no means of saying whether those funds have been distributed at all; but I am sure the Rev. Mr. Cox, the rector, and others, will give us the necessary information. We ourselves, and those whom

R. C. MARTIN,

* See App. B. No. V (a), p. 508. See also Appendix C, p. 373, for Objections and Amendments to Draft Scheme.

Nov. 1, 1895.

R. D. Martin.

we represent, know nothing at all about it. We think the Commissioners should inquire into what the present endowment consists of—that they should include the school-house and all the endowments, and constitute a governing body which will give us Presbyterianism a fair representation.

1462. Dr. TRAILL.—Perhaps our best course would be to examine the present manager of the school, and get all the information we can about the distribution

of the funds, the election of the schoolmaster, and other matters.

Rev. Mr. Cox.—Before you enter on the matter I want to clearly understand whether the Educational Endowments Commissioners have power to form a scheme.

Dr. TRAILL.—Most decidedly we have; you may make your mind quite easy on that point. We will hear any objection you have to make, except your objection to our own powers and position.

Rev. THOMAS COX, M.A., Rector of Ransow, sworn and examined.

Rev. Thomas
Cox, M.A.

1463. Dr. TRAILL.—You are the manager, Mr. Cox, of this school?—Yes.

1464. When did you take over the management of the school?—Somewhere in the year 1879. I do not remember the date.

1465. Have you had any change in the schoolmaster since you came to the place?—No, Mr. William Taylor was the teacher then, and I think he was the teacher for eleven or twelve years before my appointment.

1466. Have you had this will of John Sharp under your consideration?—Yes, I got a copy of it in the church books.

1467. Did you consult the Presbyterian minister, in accordance with the terms of the will, regarding the selection of these free children?—As a matter of fact I never interfered with the free children at all; I left it chiefly in the schoolmaster's hands; at the same time I know there were more than twelve children taught free; I never nominated any, but I knew some who were there.

1468. With regard to the other portion of the endowment which is given by the will for charitable purposes, how has that been distributed?—When I came I found that it was distributed at the Easter Vestry.

1469. Do you mean at your own Easter Vestry?—No others came—and the 10s. mentioned in the will would have been more in accordance with the wants of those who received it than the 5s. given.

1470. Professor DOUGHERTY.—Have you a list of recipients?—I have it and can give their names. I could send it to you.

1471. Dr. TRAILL.—Do they all belong to your own denomination?—I believe that until the present year there were always two or three Presbyterians.

1472. They are all householders?—Yes.

1473. None of them beggars and tramps, as mentioned here?—No. I consulted the Rev. George MacFarland (Presbyterian) if there were any poor people whom he wished to nominate, but he said there were very few connected with his congregation who required it, but he mentioned some, and I gave it to them.

It states here that the Incorporated Society gives £5 a year to the school—are there no conditions attached to their grant?—I know of none; it is enclosed to me, and I give it to the teacher when I receive it half-yearly. I may mention further that at some time or other a farm of land in this parish was left for charitable purposes, and there was a school called the Charter School established near my residence. I know that the school existed, and some of the recipients of that old charity are alive still.

1474. Professor DOUGHERTY.—Persons educated at that school?—Yes at that school. When that Charter School was closed up liberty was given to send a pupil to the school at Dundalk.

1475. Dr. TRAILL.—What was done?—In lieu of the Charter School they gave us a free grant of a pupil to the Dundalk Institution, provided he could pass his examination.

1476. Professor DOUGHERTY.—Does the Incorporated Society still receive the rent of the farm in question?—They do.

1477. Do you know the amount of the endowment?—No. The tenant is William Hayes. It is about a mile out of Ballycastle.

1478. If a local endowment, it would seem fair that the locality should benefit from it. Who was the former schoolmaster?—The former schoolmaster was named McAllister.

1479. Dr. TRAILL.—Did he succeed the person called Britton?—Yes.

1480. Professor DOUGHERTY.—Were you aware of this agreement signed by the Rev. Mr. Biedermann and the Rev. Mr. Lyle?—I never knew of it until to-day.

1481. Now as to the schoolhouse spoken of by Mr. Lyle and Mr. Biedermann—where is it?—New schools have been built.

1482. Do you know how the money was found for the building of this schoolhouse?—I cannot say; it is stated that it was built by subscription.

1483. It was built before your time?—Yes, it is valued under the National Board.

1484. This old schoolhouse is the schoolhouse which represents the original endowment?—I take exception entirely to the statement that it represents the old endowment. The old one was removed, and a new one was built by subscription.

1485. Was the schoolhouse you refer to built on the site of the old one?—I cannot say.

Mr. Martin.—I am ready to say that it was.

1486. You can give no information regarding that?—No; I may mention from hearsay that I heard it was built by the Rev. Mr. Monnell, who at the same time built a number of houses with slaying work.

1487. Slaying roofs are not an exceptional feature of architecture in this part of the country?—There are no others here built with the same shapeliness.

1488. Is it built on the church premises?—It is built on the glebe land.

1489. Is it in proximity to the church?—It was in proximity to the church then existing.

1490. Do you distribute the charitable endowment?—Yes, the money is sent by the Commissioners of Charitable Donations and Bequests, and I give it to the persons at the Easter Vestry, and they distribute it. It is sent to old people who cannot come themselves.

1491. Mr. Martin.—Is not the old schoolhouse built outside the wall of the church premises?

Witness.—It is some distance from the present Church; the dilapidated school is outside the wall of the graveyard.

1492. There is no other school there that you ever heard of?—No; whatever is in the document I agree with.

1493. Dr. TRAILL.—About its standing in the same position as the old one?—Yes, the building is used as a Sunday school only.

1494. Mr. Martin.—And no other kind of meetings?—No other kinds at present—except that sometimes religious meetings are held in it.

1495.—And nothing else?—Some committee meetings.

1496. About what?—About the Constitutional Association.

1497. Political meetings?—No, the meetings are held by permission of the Vestry, not by mine.

1493. Now with regard to the children, you believe the children have been taught free, as directed, by the master?—I do.

1494. And you took no part in the nomination of them?—No.

1495. And you did not know how many were taught annually?—No.

1496. Nor to what denomination they belonged?—No, but the teacher informs me that more than the number are taught free, and I believe that has been the case every year since his appointment.

Professor DOUGHERTY.—It appears that Mr. Cox did not know of the existence of this agreement until today.

1497. Dr. TRAILL.—Is the school not used for a day school?—Oh no, there is a new school on a different site altogether, built for convenience sake.

1498. Mr. Martin.—And the old schoolhouse has been also used as a place for committee meetings?—Yes.

1499. Political meetings?—No, certainly not.

1500. Orange lodges?—No. I may mention that the Vestry on one occasion gave permission to a local band to practise there, but it is not in connection with the Orange body.

1501. And what society does it belong to?—To no society; it is a local band.

1502. It's a band at any rate. Are some of the persons who received money out of the latter part of the endowment this year Presbyterians?—I cannot say whether they are or not this year, but I know they were in former years.

1503. I heard you say that you believed there were two Presbyterians?—I said that I believed every year until this year there were two or three Presbyterians receiving it.

1504. Have you no record of them?—I have them in the Vestry Book.

1505. And you can send in a list of them?—Yes.

1506. Will you please put the names of the denominations to which they belong?—I don't think I have that; I never thought of the denominations.

1507. But can you not add that from your own personal knowledge of the people mentioned—those who got it?—Not this year.

Dr. TRAILL.—We will send for the book.

1508. Mr. Martin.—You spoke of the Rev. George McFarland, the predecessor of the Rev. Mr. Jackson?—Yes.

1509. How long has Mr. Jackson been here?—I suppose seven or eight years.

1510. And you never spoke to him at all?—No, but I put some of his people on.

1511. Mr. Martin.—Do you know the relative proportion of Episcopalians and Presbyterians who receive this money?

Witness.—I do not know any by the title Episcopalians.

1512. Professor DOUGHERTY.—Well, the members of your own Church?—In Ramoon school one-third are Presbyterians, and two-thirds are members of my own Church.

1513. Dr. TRAILL.—Do you know those to be the numbers?—Yes, the school is under the National Board.

1514. Professor DOUGHERTY.—Do you know the number of your own denomination in the parish, and the number of Presbyterians?—I think they are about equal, according to the last census—that is as regards the parish. To the best of my knowledge the idea of the testator has been carried out according to the will. The money has been given to the teacher to teach poor children in the school, and there has been no unfair play that I could possibly see against either the Presbyterian minister or children. If my remarks are to be laughed at I had better sit down. I don't think this is a matter to be laughed at. When the Rev. Mr. McFarland was here he went to the old Ramoon school and gave religious instruction whenever he liked, as I did. The children

are separated for religious instruction on two days by one of the teachers or monitors.

1515. Dr. TRAILL.—Is the religious instruction given to the Presbyterian children limited to the Scriptures?—They are separated on two days, and their own Catechism is taught, I believe with the consent of Mr. Jackson. I wrote to Mr. Jackson when the schools were built, asking him to make any arrangement he liked, and that I would agree to it. They are separated, as I said, on two days of the week.

1516. Professor DOUGHERTY.—Do you give the religious instruction?—The Rev. Mr. Barnes, the minister nearest to it, gives it, but only to Church children.

1517. Of course that is in accordance with the rules of the National Board?—Yes.

1518. The question of control is more for the future than the past. Difficulties may arise as to the appointment of a successor to the present teacher, and we are anxious to know your views as to what provision should be made for that contingency?—I never gave it a thought.

1519. Would you have any objection to have the Presbyterian minister associated with you?—Well, I should not think it fair. In building the school I got one-third of the money from my own people, and two-thirds from the State. I raised the money from my own parishioners solely.

1520. Dr. TRAILL.—Does your present school stand in the position that Sharp's was supposed to occupy?—I suppose so.

1521. And the money from the Sharp bequest is used in your present school?—Yes; this £4 18s. 6d. a year.

1522. Would you consider that school to be so far independent of the Sharp grant altogether, that the one might be dealt with separately from the other?—It is for the Commissioners to say.

1523. Is not the old schoolhouse a considerable distance apart from the present schoolhouse?—Oh, yes; half a mile away. The old school is by right the property of the Church of Ireland.

1524. How can you make that out, in the presence of the fact that it was erected by £50 obtained by John Sharp's will?—The old school was removed, and a new school built.

1525. Professor DOUGHERTY.—In whom was this school vested?—I do not know.

Mr. Martin.—The old school became dilapidated and the new one was built.

1526. Dr. TRAILL.—The grant was withheld from the schoolmaster from 1839 to 1853?

Mr. Martin.—But that was for a different reason altogether.

1527. Professor DOUGHERTY.—In whom are the schools vested?

Witness.—I presume in the Representative Body.

1528. Dr. TRAILL.—In the agreement between John McElDowny and Rev. W. H. Biedermann, and Rev. Samuel Lyle respecting the payment of Sharp's Bequest it is stated:—

"And whereas the said schoolhouse, which was erected on the ground on which the present schoolhouse is built at Ramoon, was removed in or about the year 1839, and the present school established on a different system, not agreeable to the wishes of the trustees then in being, in consequence of which payment of the interest to the schoolmaster was stopped from 1st of May, 1839."

Have you any idea of what that means?—I have not; the school, until placed about twenty-five years ago under the National Board, was under the Church Education Society.

1529. Professor DOUGHERTY.—Do you think it means that the school had been put under the Church Education Society?—I cannot say.

1530. Mr. Martin.—I would like to know which is the building referred to in the schedule of the Diocesan Scheme?

Dr. TRAILL.—The diocese is trying to make use of

See 1, 1208.
Rev. Thomas
Cox, M.A.

Nov. 1, 1886.

Rev. THOMAS
CAR, M.A.

this Act for the purpose of having the schoolhouse which belong to the Church of Ireland vested in trustees. There has been a great deal of difficulty in finding out exactly what those schools are. In the schedule there are a number of errors and mistakes, not through any fault of the Diocesan Office in Belfast, but through the fault of the old books from which the list was made out by the Rev. Canon Hartwick. Many of the schools are put in here to find out who the managers are. Unless we have the written consent of the managers or owners the schools must come out of the schedule.

1536. Professor DOUGHERTY.—There is an amount of £10 1s. 6d. yearly in endowments?—Yes; but that is now really only £9 18s. 6d. under Mr. Goschen's scheme. That is, a grant of £5 from the Incorporated Society, and £4 18s. 6d. from "Sharp's Bequest."

1537. The Presbyterians here, whether they establish it or not, make an equal claim with the Episcopal Church on the Sharp Bequest, which consists of two parts—the old schoolhouse and these money grants. It appears that, as a condition of paying that Sharp endowment to the school which you as present manager, the Presbyterian minister was asked to concur in the appointment of a teacher, and I am anxious to know whether you are prepared, in the event of the continuance of this grant to your school, to have the Presbyterian minister appointed joint manager with you?—I cannot say that.

1538. Then you would rather lose the Sharp Bequest?—I object to any part being taken away unless given to educational purposes.

1539. It must be given to educational purposes?—At the time of that bequest there was no such thing as a National Board.

1540. Dr. TRAILL.—What would you suggest as the best means for turning the old school into money now?—I think it would be wiser that a building erected by the money that the Rev. Mr. Mossell collected should be alienated from the Church.

1541. Have you evidence that the money was collected by Mr. Mossell—that the subscriptions were from all denominations?—I am not aware that other denominations subscribed.

1542. Professor DOUGHERTY.—A different statement is made here in a document signed by the Presbyterian minister and the Episcopal minister?—That does not show that the Presbyterian minister contributed.

1543. Professor DOUGHERTY.—Neither has it been shown by you that Mr. Mossell contributed any of the money.

Dr. TRAILL.—Have you the parochial books going back to the Rev. Mr. Mossell's time?—I have.

1544. Are there entries there on this matter?—None whatever.

1545. Dr. TRAILL.—He left £50 for erecting a school-house—

"with a slate roof, tables, &c., in the most convenient place in the Parish of Roscoe which my trustees may appoint and direct, provided the parishioners of said parish engage and give good security for keeping the same up and in thorough good repair."

They allowed the school to get into dilapidation and the parishioners here mentioned meant, I suppose, all denominations. But if you say that they did not belong to other denominations, would you give us proof that the money which Mr. Mossell collected was subscribed by his own denomination only?—I do not know when the school was erected.

1546. It was erected in 1839?—Mr. Mossell was not here then.

1547. Mr. Mossell was here soon after that. Who was Mr. Mossell's predecessor?—Mr. Phillet, afterwards of Ballymoney.

1548. If you could get us the books Mr. Martin asked for, and also the parochial books, we would have the entries at the vestries examined. Our secretary would take a look over them before we leave?—I have looked over them, and do not find an entry about the school-house at all. During Mr. Mossell's time there is not a single entry about them.

1549. Professor DOUGHERTY.—I am afraid the school erected on the site of the original school must be treated as part of the Sharp Endowment, unless you prove that it was built by the subscriptions of your own people?—This school-house I repaired at the expense of my parishioners and myself alone. I laid out £13 or £14 a year on it.

1550. Dr. TRAILL.—No one is complaining about you not keeping it in good repair?—You are surely not going to deprive us of that £14?

1551. We are only here to obtain evidence, and then to lay it before the Commissioners?—I do not think the Commissioners should interfere with the school-house at all.

WILLIAM TAYLOR SWORN AND EXAMINED.

William
Taylor.

1552. Dr. TRAILL.—You are the present school master?—Yes, I was appointed in 1867.

1553. Who were you appointed by?—By the Rev. Mr. Biedermann.

1554. Had the Presbyterian minister at that day nothing to do with your appointment?—I cannot say distinctly. Any correspondence I had was with Mr. Biedermann.

1555. Were you trained in Marlborough-street?—Yes, I am in First Division of First.

1556. And your correspondence was with Mr. Biedermann alone?—I think he told me that he had consulted the Rev. Mr. Lyle, the Presbyterian minister, but I had no correspondence with any one but Mr. Biedermann.

Mr. Biedermann appointed you and Mr. Lyle concurred with the appointment.

1557. Professor DOUGHERTY.—Were you aware that you came with the concurrence of Mr. Lyle?—I think that after I came he stated that it was with the concurrence of Mr. Lyle.

1558. Dr. TRAILL.—Was Mr. Lyle the Presbyterian minister then?

Witness.—Yes, he was the senior minister.

1559. You receive £5 from the Incorporated Society?—Yes.

1560. And you receive the Sharp Bequest also?—Yes.

1561. How many children are at the school?—Sixty-five at present, but thirty-seven is the average attendance. When I was appointed there were both a boys school and a girls school; now I have only a boys school. There are two separate schools, and I have no assistant; I have even no monitor; the average is too low.

1562. Have you any free boys at the school?—Yes, I have a good many; over twenty, I think.

1563. Do you go into the circumstances connected with their family history?—I know the circumstances of every family in the place, and I make no claim for school fees when I know they are not well off.

1564. How do you account for the falling off in scholars?—I have not now so many senior boys as formerly. The average now altogether is thirty-seven.

1565. Of the sixty-five on the roll, what are their denominations?—There are twenty-two Presbyterians

and forty-three belonging to the late Established Church.

1566. There is no other denomination?—None at present.

1567. Then two-thirds belong to the Church of Ireland, and one-third are Presbyterians?—Yes; and the proportion in the girls school is about the same.

1568. Professor DOUGHERTY.—Does it not strike you that your average attendance is rather low?—Well, it is low.

1569. How do you account for the irregularities in the attendance?—There is an Intermediate school here now, and I had many of those scholars formerly. That takes away the better class of boys.

1570. With regard to the free scholars, did you ever hear of any rule of nomination?—Yes; Mr. Biedermann told me he had a right to nominate. The Rev. George MacFarland, the present Presbyterian minister, I think, nominated a family called Blair. The nomination of pupils is left in my own hands.

1571. Dr. TRAILL.—Was the Rev. Mr. Jackson when he came made aware of this?—I think he was made aware of it the first time he came to the school.

1572. Can you tell us the denominations of the free pupils?—Seven Presbyterians and about fifteen of the late Established Church.

1573. That is about the same proportion as the rest of the school?—Yes.

1574. I suppose in the parish there are a larger number of Episcopalians belonging to the poorer class from which free pupils are taken than Presbyterians?—Yes.

1575. Professor DOUGHERTY.—Are there any conditions attached to the grant from the Incorporated Society?—No.

1576. The Incorporated Society does not make it a condition that you should give certain religious instruction?—No, I never heard of that.

1577. Does the diocesan inspector visit your school?—He does.

1578. Does he hold an examination in religious knowledge?—He does.

1579. Do you present all the children in attendance?—I only present those belonging to the late Established Church.

1580. Are there prizes awarded in connection with this examination?—No.

1581. And you would not allow a Presbyterian to enter for that examination?—We would have no objection.

1582. Dr. TRAILL.—You are all aware, I suppose, that the Rev. Dr. Field, Presbyterian minister of Derryck, has all the children in his school examined in the Scriptures by our diocesan inspector when he comes round?—No.

1583. Dr. TRAILL.—Well, he told me so himself.

Rev. Mr. Cox.—I told Mr. Taylor that the Presbyterian children should not go in with the others, unless with the consent of the Rev. Mr. Jackson, and I also said that the inspector should not examine them on religious subjects without telling Mr. Jackson.

1584. Dr. TRAILL.—(To witness.)—You had a better attendance before the Intermediate school was opened?—Yes.

1585. And the reason the female school is so much larger is because the Intermediate school takes away the senior boys?—Yes.

1586. Mr. Martin.—Who has charge of the girls here?—Mrs. Belford.

1587. Is she an Episcopalian?—Yes.

1588. Are any of the girls taught free?—She teaches a number of them free of course; you must teach some of them free.

1589. Professor DOUGHERTY.—None of the Sharp Bequest goes to the girls school?

Rev. Mr. Cox.—No, none.

1590. Dr. TRAILL.—The bequest at present only goes to the boys?

Rev. Mr. Cox.—Yes, the male teacher continued on, and I did not like to interfere.

Mr. Martin.—As far as Mr. Taylor is concerned my clients are perfectly content with him.

Rev. Mr. Cox.—The new school is just at the head of the town. There was always a school in the town in former days and another at Drinahammond, but both were closed; one was under Rev. I. P. Barnes. Both schools were closed, and I got this one built to accommodate the people of the town.

1591. What classes do your teachers belong to?—Both teachers are first of first.

Mr. Martin.—Before the school at the head of the town was removed these schools, I feared to were built.

Rev. Mr. Cox.—No; one school was closed and the other was about to be closed.

Mr. Taylor.—I taught in the old school from 1867 until 1884. I had a workmistress, assistants, and monitors.

1592. Dr. TRAILL.—Was that school larger than the two schools now?—No.

1593. Rev. Mr. Cox.—You had two assistants?—Yes.

1594. Rev. Mr. Cox.—And was not one of them a Presbyterian?—Yes.

1595. Rev. Mr. Cox.—There are two monitors in the girls school at present?—Yes; one a member of the late Established Church, and one a Presbyterian.

1596. Mr. Martin (to Mr. Cox).—Do you know how long it is since these new schools were built?

Rev. Mr. Cox.—About six years ago.

1597. Mr. Martin.—You have now, Mr. Taylor, no monitor in your school.

Mr. Taylor.—No.

Mr. Martin.—There were one Presbyterian and three Episcopalian teachers in those two schools—male and female.

Dr. TRAILL.—Those teachers were taken over by Mr. Cox, and no exception has been taken to them.

1598. Professor DOUGHERTY.—You cannot give any information as to whom the property is vested in?

Rev. Mr. Cox.—No; but it is likely in the office of the Representative Body.

ALEXANDER M'ALISTER SWORN and examined by Mr. MARTIN.

1599. You recollect being teacher of the old school?—Yes, in 1855.

1600. Who appointed you?—The Rev. Mr. Lyle and the Rev. Mr. Biedermann.

1601. How long did you continue teaching there?—Ten years and eight months.

1602. Had you any assistance during that time?—None.

1603. Were there free children at that time at the school?—There were.

1604. About what number?—I think about fifteen,

but they varied, and in the winter time there would be more. They were not nominated by any of the clergymen at all. I was told that I was entitled to teach twelve free. Mr. Lyle and Mr. Biedermann told me.

1605. Professor DOUGHERTY.—What was the date of your appointment?—The 1st of September, 1855, I think.

1606. The clergymen found, I suppose, that there was a good deal of trouble with the nominations, and they preferred to leave them with the schoolmaster?—I do not know as to that, but they left to me the

See 1, 1890.
Witness
Taylor.

Alexander
M'Alister.

putting of them on the roll and none of the clergy-
men ever interfered with me.

1607. Mr. Martin.—Can you say anything as to the
appointment of your predecessor, Mr. Britten?—No.

1608. It was said they approved of his religion?—
He was a Presbyterian.

1609. Dr. TRAILL.—Were any Presbyterians children
sent to Dundalk?—There were nine examinations
during the time I was there and ten boys were sent
and passed. Every year the deputation came round
in July, and every year, except the last two, the boys
had to go to Lambeg, where they were examined chiefly
in Scripture and English.

1610. You have been living in Ballynastle since you
were teacher?—Yes.

1611. Did you ever hear of the distribution of
money amongst the poor housekeepers?—I never
heard but what you have heard here to-day already.

1612. Did you ever hear of any Presbyterian
getting any?—I cannot tell what denomination they
were—a lot of old women—I could not tell their
denomination.

1613. Professor DOUGHERTY.—Did these children
go to the Incorporated Society School at Dundalk as
Presbyterians?—They left me as Presbyterians.

1614. But you do not know what they afterwards
became?—One of them was William McGowan,
another was named Black; I do not know what became
of the first one, the other one went to America.

1615. Dr. TRAILL.—Were they asked to sign any
particular document before they went up?—No; the
last two examinations were held in the school.

1616. Rev. Mr. Cox.—Do you say that the Pres-
byterian Minister and the Church Minister had equal
rights?—They both exercised equal rights.

JAMES M'BRIDE sworn, and examined by Mr. Martin.

1627. What age are you?—Between 82 and 83.

1628. Where do you live?—At Turnasobert.

1629. Is that near Arney?—Yes.

1630. Did you know Henry Clarke?—Yes; I lived
inside him and I saw him often in the Presbyterian
Church at Arney.

1631. Who was the Minister in those days?—Mr.
Graham.

1632. Did Mr. Clarke attend very regularly?—Yes,
unless something particular would take him away; I
considered him regular enough.

1633. Dr. TRAILL.—Was he a stipend payer?—

1617. Dr. TRAILL.—Where did the money come
from to pay you?—I got £5 2s. 9d. from Sharp's
legacy, £5 out of the Incorporated Society, and £8
from the Church Education Society. I was Clerk of
Petty Sessions all the time I was in Ramore.

1618. Professor DOUGHERTY.—And was that all you
had?—Well, the school fees made me £10 and as I
was not under the National Board I was appointed
Clerk of Petty Sessions.

1619. Rev. Mr. Cox.—Did you ever get any endow-
ment from the Presbyterian Body?—No.

1620. But you got from the Church Education
Society?—Yes.

1621. And the money paid you from the Incorporated
Society came through the Rev. Mr. Bledersmann?—
Yes, it came through him.

1622. As to the Manager—whosigned your returns?—
The returns were not signed by anyone.

1623. There must have been a patron of the school?—
There never was a return made out in my time to the
Church Education Society. The Inspector, Rev.
Mr. Roe, came round regularly. I got payment
every year from the Church Education Society for the
answering of the boys in Scripture.

1624. Who was the patron of the school?—I cannot
tell.

1625. Rev. J. P. Barnes.—There must have been a
patron?—

Witness.—I got the money all through Mr. Bleders-
mann.

1626. Rev. Mr. Cox.—Was it a competitive ex-
amination your boys went through?—

Witness.—For the last two years it was, but there
was a standard they were expected to come up to. When
I had to send them to Lambeg I could send up as
many boys as I liked.

1639. What age are you?—I'm 76 again the
14th of this month.

1640. Where do you live?—Near Bushmills, and
was brought up in the neighbourhood of Ballynagary.
1641. Do you recollect Adam Hunter, of Ballynagary?—Yes, I remember seeing his carriage going to
the Presbyterian Church.

1642. Did he go there regularly?—I could not
say. I was a boy at the time, and his yellow carriage
caught the notice of myself and the other boys.

JAMES RANKIN sworn, examined by Mr. Martin.

I am sure he was. He spoke at the meeting-house
at the latter end of Mr. Graham's services about
the stipend.

1643. Mr. Martin.—Was he a member of session
and committee?—I could not say.

1644. Dr. TRAILL.—Do you know anything about
Adam Hunter?—No.

1645. Mr. Martin.—What was the name of Henry
Clarke's father?—Captain Clarke.

1646. But what was his Christian name?—Robert,
I think.

1647. Was it not Alexander?—Well, I cannot
tell.

1648. By universal tradition Adam Hunter was not
only a member but an elder of the Presbyterian Church.
Mr. Montgomery, grandfather of Mr. Montgomery of
Benvarren, was an elder at the same time. I want to
say that I am benefited to the extent of £100 by
this Adam Hunter, and I think you will find it in

his will, if you have his original will. I receive the
interest on that £100.

1649. Dr. TRAILL.—We are quite satisfied from
what you say as to Adam Hunter. Mr. Cox has
given his evidence, and we would now like to hear
the Rev. Mr. Jackson's views on this matter.

Rev. JOHN JACKSON sworn and examined.

Ex. 1, 1890.

Rev. John
Jackson

1647. Dr. TRAILL.—You have no school of your own?—No.

1648. And your children are educated in this school under this schoolmaster?—Yes.

1649. Have you reasonable access to the children?—Yes, the National Board Rules give me that.

1650. You exercise that at the request of the parish?—With the approval of the parents.

1651. What is the number of the children of your denomination attending the school?—I could not say. I was surprised to hear that only one-third of the scholars were Presbyterians, and two-thirds Episcopalians, while the population of those denominations is about equally divided.

1652. The population in the Parish of Ramoen is, in the aggregate, 3,424. Of these, Roman Catholics are 1,326; Protestant Episcopalians, 1,030; Presbyterians, 1,042; Methodists, 23; and all others, 13. The members of the Church of Ireland and the Presbyterians are practically equal. There are not more than three Methodists now.

1653. We will have to make some suggestion as to what is to be done with this endowment for the future, and we are anxious to hear any suggestion you have to make as to this which is only part of the teacher's salary. You are satisfied with the present teacher, and the question can only arise in the case of a vacancy?—I do not wish to disturb existing interests at all.

1654. Do you consider the school that the Rev. Mr. Cox is manager of under the National Board—a vested school—to be the school that has taken the place of the old school founded by the Sharp bequest?—No; certainly not. Sharp's will contemplated a mixed school; this now school consists of two schools—a male and female; and the proceeds of Sharp's money are paid to the teacher of the male school. Miss Boyd has, as patron of those two schools, power to appoint and dismiss the teachers; Sharp gave that power to his trustees and the Protestant and the Protestant dissenting churches of the parish.

1655. Do you consider that the Presbyterian body have a claim on the old school?—Certainly.

1656. In what way would you think it fair that the claim of your denomination should be satisfied against it; it is not used at present for a school?—We claim it by Sharp's bequest.

1657. That school is no doubt part of the endowment; but have you any suggestion to make as to converting it into money so as to increase the endowment for educational purposes. We have complete control over it, and we want to get the best suggestion that anyone will give us as to extending the usefulness of this endowment. It is quite clear that this old building now is scarcely being utilized for strictly educational purposes; it is our duty to make the value of the endowment as extensive as possible, and we would like your views regarding it?—I have not thought exactly about that.

1658. If anything occurs to you and you send it up to the Commission, we will be glad to consider it?—Well, I may do that.

1659. If the schoolhouse is no longer useful we might turn it into money, and then let the whole as money be considered as Sharp's bequest. In that case you could consider whether a portion should be given over to those of his own denomination, or used in a way in which all would benefit equally and conjointly according to what would appear to have been the intention of Sharp's bequest?—Is the Commission open to receive evidence regarding that to-day.

1660. We have other matters to get through; but we may come round here again?—Will you keep open the question of the re-erection of that old schoolhouse?

1661. Dr. TRAILL.—If any evidence of persons not

here to-day should be forthcoming we will be happy to receive it at some future time.

Professor DOUGHERTY.—And of course we should not accept that evidence without giving you proper notice.

Witness.—I am quite satisfied.

1662. We understand you to say you are willing that the grant should be continued to this school on the condition that you were appointed joint manager with Mr. Cox?—Yes.

1663. And you would be prepared in the event of a vacancy occurring in the headmastership of the school to claim your rights as stated in John Sharp's will?—Certainly; as to the way in which that has been used, the appointments and dismissal are both dependent upon the patron.

1664. Dr. TRAILL.—Who is the patron you mentioned?—Miss Boyd.

1665. Professor DOUGHERTY.—With regard to any governing body that may be appointed, you claim that the Presbyterians should be represented on that board equally with the other denominations?—Yes; at least equally, because I have reason to believe that the testator himself was a Presbyterian.

1666. Dr. TRAILL.—What reason?—All persons of that name in the neighbourhood have been Presbyterians.

1667. Professor DOUGHERTY.—And he entrusted his money to Presbyterian trustees?—Yes.

1668. Now as to the administration of the charitable funds which are in the hands of the Commissioners of Charitable Donations and Bequests?—I claim equal rights there with the Episcopalian Ministers. I think it is clear from the will that he meant that for the parish equally.

1669. And the Vestry at the time this will was made was composed of Episcopalians and Presbyterians?—I understand it represented the Protestants of the parish; now it represents one denomination.

1670. Dr. TRAILL.—The will says:—

"And thirdly, I order the sum of Two Hundred Pounds (being the remainder of the said Four Hundred and Fifty Pounds) to be vested by my said trustees in permanent and good security, the interest of which I direct my said trustees to pay at the Easter Vestry, half for said Parish each year, unto such poor house-keepers of said Parish."

So that in that case you will see he does not name a clergyman at all?—I do not claim it for myself, but simply for the Presbyterians, and in whatever governing body you may appoint. The Presbyterians claim they should be equal with the Episcopalians.

Mr. Martin.—We want to be represented on it, as we were represented by the parishioners at the time the will came into effect.

1671. Rev. Mr. Cox.—Are all persons of the name of Sharp, Presbyterians?—I never heard of any here that were not. I would take it for granted that the trustees should determine the matter. I have proved that there were really two of them Presbyterians. I might have produced a niece of this man's wife to show that she always believed he was a Presbyterian.

1672. Dr. TRAILL.—Whether Presbyterian or member of the Established Church, he was a liberal minded man, ready to divide his money among the members of both denominations.

Witness.—Yes, and he was a very impartially minded man.

Rev. Mr. Cox.—I have laid out nearly £14 on that School for repairs.

1673. Professor DOUGHERTY.—And you have had the enjoyment of Sharp's Schoolhouse, and the will directs that it should be kept in good repair.

Rev. Mr. Cox.—The teacher had Presbyterian children there equally with children of my Church.

Witness.—I can produce evidence also to show that there was money spent on it by Presbyterians.

Nov. 1, 1886.

Rev. John
Jackson.

Mr. McAister.—I collected over £10 a year when I was there for the old School, and the first man was a Presbyterian who gave me £10.

Rev. Mr. Cox.—I use this School as a Sunday School, and if I handed it over to Mr. Jackson he could not

make much use of it, as he has a splendid hall close to his Church.

1674. Dr. TRAILL.—Is it far from your place of worship?

Rev. Mr. Cox.—It is not,

RAMOAN (MOYARGET) NATIONAL SCHOOL.

1675. Dr. TRAILL.—We have received a letter from the Rev. Silas Johnston, minister of Ramoan, by which he objects to this school being included in the schedule to a scheme we have published for the

Parochial Schools of the Diocese of Down, Connor, and Dromore. I would like to ask Mr. Johnston

some questions about this school.

REV. SILAS JOHNSTON SWORN AND EXAMINED.

Rev. Silas
Johnston.

1676. Dr. TRAILL.—How long have you been manager of this Moyarget school?—I have been patron and manager for about three or four months.

1677. Is it a boys' school?—It is a mixed school.

1678. In the report of the last Commission it is stated:—"Kildare Place Society, building grant, £45; J. S. Moore, grant, 2nd January, 1829," coming so recently you do not know much about it?—Very recently.

1679. Is there a local committee?—There is no committee recognized by the Board.

1680. Is it vested or non-vested?—I think it is non-vested.

1681. Do you know in whom the site is vested?—No.

1682. Is there any rent paid for it?—No.

1683. And the present holders held by prescriptive title?—Yes.

1684. Have you any documents about it?—No.

1685. You say it was built on a farm belonging to a Mr. Hill; does Mr. Moore own the property in that neighbourhood?—Yes.

1686. Professor DOUGHERTY.—That is the explanation of the statement in last report that Mr. Moore gave the property?—Yes.

1687. How were you made patron?—By the Commissioners of National Education.

Rev. Mr. Cox.—Did not the committee claim the right of appointing a manager?—I do not know.

1688. Did they not nominate you?—They did not.

1689. Who was patron and manager before you

came?—The Rev. Mr. Milliken of Armoyn, was appointed.

1690. Rev. Mr. Cox.—The late Mr. John Stewart Moore was patron and manager, and it was only after his death that the Presbyterians claimed it.

1691. Professor DOUGHERTY.—Does the teacher reside in the disused school?

Witness.—I think so.

1692. And do you hold it as you do the other school-house?—Yes.

Rev. John Jackson.—With regard to this school I may say I was appointed by the Presbytery to look after matters of this kind, and I made inquiries regarding it from the Rev. George Hill, formerly Librarian of the Queen's College, Belfast, who he belonged to that neighbourhood. It was built by a relative of his—at least by public subscriptions, through the efforts of the late William Hill, of Moyarget, who was anxious for the education of his own children and of others. He was the first manager and patron, and after his death Mr. Moore became patron and manager. Then Mr. John Sharp succeeded, and he was followed by the Rev. Mr. Boyd, Presbyterian Minister of Ramoan.

1693. Professor DOUGHERTY.—Was Mr. Hill's farm on the Moore estate?—Yes.

1694. Professor DOUGHERTY.—The expression "grant by J. S. Moore" in the report of a previous Commission refers to the grant of the site?—Yes. There is no doubt that the Rev. Mr. Simms (Presbyterian Minister of Ramoan) and Mr. Hill, who guaranteed the female teachers salary, put their hands into their pocket and paid the balance of the sum due.

WILLIAM HAYES SWORN AND EXAMINED.

William
Hayes.

1695. Dr. TRAILL.—What position do you occupy?—I am a member of the Committee of Moyarget National School and have been for close on 30 years.

1696. Who was chairman then?—Mr. J. S. Moore. After Moyarget meeting-house was built, the school-houses were in a very dilapidated state—I cannot tell when they were built.

1697. When was the meeting-house built?—About 50 years ago. The committee had dwindled away. Mr. Moore was I believe patron of the school when it was founded. Mr. Moore had an interest in the Moyarget children and thought it a pity to see them going to wreck. He spoke to two or three prominent farmers in the neighbourhood to become members of a committee. I was appointed a member of that committee. Mr. Moore said that if we would rebuild the male portion he would rebuild the female school. We lifted the money and the next year took the roof off the girls school. We got Mr. Moore to act as manager of the school, and to appoint a teacher.

1698. Was he elected a manager under the National Board?—He was.

1699. What was the composition of that committee as regards religious denominations?—They were all Presbyterians.

1700. In one sense he was manager under a committee, but in another sense he was not?—He actually gave up the buildings to this committee.

1701. He just chose you as a farmer in the neighbourhood interested in the education of your children?—After Mr. Moore died we went to Mrs. Moore to see if she would allow us to put Mr. Sharp on that committee.

1702. Was he an Episcopalian or a member of the Presbyterian Church?—A Presbyterian, and she said he was the proper person to appoint.

1703. When was that?—Immediately after Mr. Moore died. Sharp was manager for one year and he gave it up to Mr. Boyd. Since that time the Rev. Mr. Boyd and the committee were associated in the management.

1704. Have you a minute book?—I think we have.

1705. Who acted as secretary?—Mr. Boyd did all the writing himself, but it was the committee appointed the teachers from the time he was on it.

1706. Was a teacher appointed after Mr. Boyd's death?—Yes, one, a woman.

1707. Rev. Mr. Johnston.—I consulted the committee in the appointment, I wished to get along well with them.

1708. Dr. TRAILL (to witness).—Did you understand that Mr. Johnston succeeded Mr. Boyd?—Certainly.

1709. Did you think the committee was still in existence?—We did, but we knew the patron had the power to nominate a teacher.

1710. Were you satisfied to leave it with Mr. Johnston?—Mr. Johnston left it with the committee.

1711. Do you as a committee have any correspondence with the National Board, or is it carried on by Mr. Johnston?—By Mr. Johnston, certainly.

1712. And were you consulted as to the appointment by the National Board, through Mr. Johnston?—No; but Mr. Johnston did not act in the appointment of the teacher.

Rev. Mr. Johnston.—I saw that the committee had done so much. I appointed the teacher, but I consulted with them about the appointment of the teacher.

1713. Dr. TRAILL.—Where did you get the teacher?—From Landhead National School.

Rev. John Jackson.—She was a member of his own congregation, and he thought the committee would know more about her than he did.

1714. Dr. TRAILL (to witness).—Are you satisfied with the present working of the school?—I think Mr. Johnston, who is patron and manager, never interferes with the committee.

1715. Professor DOUGHERTY.—What rent do you pay to the Incorporated Society?—I am tenant of the farm, and for it I pay 240.

1716. Have they allowed you no abatement in recent years?—I bought it 24 years ago, and there was a lease then in existence. The terms of the lease then were £47 10s. 6d., but a reduction was obtained through Lady Boyd that brought it down to 240. They never interfered with my rent until after my lease was out—six years before the Land Bill. They raised it then £6. After negotiating with me about this for nearly two years, I refused to sign an agreement, and just before the Bill passed I consented to pay £55; but afterwards they reduced it to 240.

1717. And you are satisfied with that rent?—Well, that is the rent I have to pay.

1718. Rev. Mr. Cox (to witness).—You state that it is practically a Presbyterian school; do not many

of my children attend?—There are some Episcopalian; a good many.

1719. Professor DOUGHERTY.—About how many would there be of the pupils in attendance—one-third?—I could not say.

Rev. Mr. Johnston.—I would not be prepared to say, either.

1720. Professor DOUGHERTY.—Do you think there is half?

Witness.—I don't think there is.

Rev. PHILIP COX.—I would claim representation on the committee, because Mr. Moore, a member of my Church, was patron, and also because a large number of the children in my congregation attend, and I have no voice in the matter.

1721. Professor DOUGHERTY.—And you think that a great grievance?

Rev. Mr. Cox.—Not a great grievance.

1722. But you think the parents of the children should be represented on the Governing Body by members of the various denominations to which they belong?—I do.

1723. Why do you not adopt that principle in Ballycastle?—Oh, the circumstances there are different.

1724. Dr. TRAILL.—Would you be satisfied with like case like rule?—Not in this case. The members of the Church of Ireland here paid money, and the Presbyterians directly refused.

Rev. Mr. Jackson.—If you accept this as evidence I will show you why the Presbyterians did not subscribe.

1725. Professor DOUGHERTY (to Rev. Mr. Cox).—Are you appointed to represent Mr. Moore?—No.

1726. Was he not landlord of a large estate in this district?—Yes.

1727. Do you not think it probable that he wanted to provide education for the children of his Presbyterian tenants?—Yes, and for the children of his Church of Ireland tenantry, too.

1728. Dr. TRAILL read a portion of the minutes of a Vestry book, produced by the Rev. Mr. Cox, in reference to the Sharp Bequest Inquiry, which stated that at a certain Vestry meeting of Roman parish a committee was appointed, consisting of the Rev. Mr. Lyle, Presbyterian minister; Mr. Charles McGilwey, Mr. Alexander Miller, Mr. Hill, &c. Mr. Martin.—Those Hills are all Presbyterians.

Rev. J. P. BARNES (Boyd Chapel).—It was a very small bequest, and I think the thing is played out. I think the Presbyterians have got full value. Fifty pounds was the amount of Sharp's bequest for building the school.

BALLYCASTLE INTERMEDIATE SCHOOL.

The Rev. JOHN JACKSON examined.

1729. Professor DOUGHERTY.—How long is your Intermediate School in operation?—About three or four years.

1730. What is the average attendance?—About 30.

1731. It is a mixed school?—Yes; it is a mixed school of boys and girls, and a mixed committee.

1732. Do you mean you have children of various religious denominations?—We have Presbyterians and Episcopalians in about equal numbers.

1733. Is there any member of the Church of Ireland on that committee?—No deacons of the Church of Ireland; but a circular was sent round to nearly all the residents regarding it, and I presume both the Rev. Mr. Cox and the Rev. Mr. Barnes got a copy of it, but neither of them, so far as I know, took any part, or at least any active part regarding it.

1734. Who is the teacher?—A Mr. Johnston, and he has an assistant.

1735. Who is the assistant?—Miss Bryn.

1736. Is the head teacher a university graduate?—Yes, a graduate of the Royal University.

1737. Do you present children for examination at the Intermediate Examinations?—Yes.

1738. How many were presented at the last examination?—I think five were present, and three or four passed.

1739. Were they all in the same grade?—No, I think they were in the middle and junior grades.

1740. Did they obtain any rewards or honours?—I think they got some books.

1741. How do you provide for the salaries of the teachers?—We guarantee the head teacher £100, and the assistant £50.

N

Dec. 1, 1892.

Rev. John
Jackson.

1742. How do you supply that?—There was a guarantee committee.

1743. And have the guarantors been called upon to pay?—No, because the amount has been realized.

1744. The school has, on the whole, been successful?—Yes.

1745. Dr. TRAILL.—What is the fee for education at the school?—The fees range from ten shillings to £3 for the quarter.

1746. Professor DOUGHERTY.—You teach the subjects usually taught in Intermediate schools?—Yes; the teacher was a scholar and graduate with honours in the Royal University.

1747. In Classics or Mathematics?—I think in Mathematics. Two of the pupils passed a Royal University examination this year.

1748. You are struggling to maintain the school?—Yes.

1749. Would the Sharp Endowment be of any service to you?—Yes, if you would give it to us.

1750. You would have no objection to an Episcopal clergyman acting with you?—Certainly not.

Rev. J. P. Sarsfield.—I never was asked.

Rev. F. O'Connell.—Nor was I asked either.

1751. Professor DOUGHERTY.—In what premises do you hold the school?

Witness.—In the lecture hall of the Presbyterian Church. There was an arrangement by which the rent was to be paid, but no rent has been paid. I hope, however, it will be paid.

The inquiry then terminated.

Dec. 2, 1892.

PUBLIC SITTING—WEDNESDAY, DECEMBER 3, 1890.

At the Office, 23, Nassau-street, Dublin.

Present.—The Right Hon. Lord Justice FITZGIBBON and the Right Hon. Mr. Justice O'HARE, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., B.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD ELLIS, M.A., LL.B., and the Assistant Secretary, N. D. MURPHY, M.A., were in attendance.

THE ULSTER ROYAL SCHOOL ENDOWMENTS.

(Third Amended Scheme. Remitted by Lord Lieutenant in Council, November 13, 1890.)

1752. Lord Justice FITZGIBBON.—We have appointed this sitting under section 25 of our Act, in the hope of receiving some assistance which will enable us to frame the Royal School Scheme, so as, at last, to satisfy all parties concerned. This is the only case in which we have had a scheme sent back to us three times, but it is right to mention that the declaration with which it was remitted for the second time, in substance, directed us, in preference to the first declaration, to restore certain provisions of our own original scheme, which we had struck out in obedience to the first declaration. The third and most recent declaration of the Privy Council, which we received on 13th November, is narrowed to two points, and therefore we may hope that we are now approaching a final conclusion. The first direction in the declaration is this:—

"That clause 7 be so modified as to provide that every secretary and other officer appointed after the passing of the Act shall be subject to removal for misbehaviour, or inefficiency, on, in case the Commissioners shall deem the continuance of the office unnecessary, upon due notice being given in the last mentioned case, or upon payment of a reasonable sum, not exceeding six months salary, in lieu of notice."

That appears to be a direction to introduce a provision expressly dealing with the case of discontinuance of an unnecessary office under the Commissioners of Education, and although I myself think that the same power could have been exercised by the Commissioners under the scheme as it stands, of course we can offer no objection to introduce the provision asked for. The declaration next directs—

"That the scheme should provide that the Head Master of the Royal School, or of such school as may be substituted therefor under the scheme, shall at all times be a member of the Church of Ireland; and that the Head Master of the Dungannon Royal School, or of such other school as may be substituted therefor under the scheme, shall at all times be a member of the Presbyterian Church."

The scheme—and it is not to be altered in this respect—provides that the absolute majority of the Armagh Protestant Board shall be members of the Church of Ireland, and that the absolute majority of the Tyrone Protestant Board shall be Presbyterian. We assumed that these majorities would enable each board to secure for itself that the Head Master should be of a denomination satisfactory to themselves. The provision now directed by the Privy Council, that the master must belong to a particular denomination, may hereafter cause some inconvenience and even injustice and injury. There may be some excellent master belonging to the Church of Ireland whose appointment to the Dungannon School, or some Presbyterian master whose appointment to the Armagh School would be generally desired; yet this prohibitive rule of the Privy Council will exclude him. But I will not discuss the wisdom of this provision. It comes to us from the Privy Council, and we cannot decline to accept it without risking the whole scheme. Subject to anything we may hear to-day, my learned colleague and myself will not set up our own views against the declaration of the Privy Council; and although there is no power under our Act to compel the Judicial Commissioners to sign any scheme at all, we should be very slow to decline to carry out a declaration, except in some extreme cases not likely to occur. Along with this declaration there have also been sent to us from the Castle certain other objections which were presented to the Lord Lieutenant, but which are not dealt with by the declaration. The subject matter of one of these was brought before us, after the scheme had been sent to the Lord Lieutenant, and when we had, therefore, no power to deal with it. The Roman Catholic Bishop of Clogher, Dr. Donnelly, called our attention to a passage in the report of the Commissioners of Education, stating that they were about to expend a considerable sum on the Portora buildings. We answered him that, as

the scheme was before the Privy Council, we could not interfere. The Bishop then presented his objection to the Privy Council, and we submitted our observations upon it, stating, as the fact was, that the parties, when before us, had gone upon the basis of treating the value of the Portora Royal School buildings as being divisible in equal shares between the Roman Catholic and Protestant bodies. That principle not only was not departed from by the Privy Council, but it was extended vastly beyond what we desired, for our original proposal was that a certain part of each endowment, including the value of the school premises, should be treated as divisible in equal shares in each district, but that a certain proportion of the money endowments, roughly estimated at about half the annual money income of each of the larger estates, amounting in all to about £1,600 a year, should be distributed in proportion to the educational work done throughout the six counties included in the Royal School district. The result would have been that the Armagh Royal School, which had numerous pupils, would have drawn a large endowment from Portora, which was comparatively empty, and that the schools which had but few pupils would receive small amounts. There were other advantages that we aimed at, such as rewarding educational efficiency, without regard to sectarian distinctions; promoting healthy competition, such as exists in the Intermediate Examinations, but all that was discussed in the Privy Council, and a declaration was made that each separate endowment should be divided half and half in its own district. That made a far-reaching change in the operation of our scheme, and especially in the distribution of the Fermanagh Endowment. By this declaration of the Privy Council, Fermanagh and Monaghan are coarsed of the possession of the whole of the Enniskillen Endowment, with its large accumulations, and all must be now treated as divisible in equal shares between the Roman Catholics and the Protestants. It will be convenient now to give the votes, and to state the progress of the provisions as to the Portora premises. Our first draft scheme was issued on April 30, 1885, when everybody was in doubt as to what should be done with the buildings; and the only provision then made was that they should be regarded as part of the Fermanagh Royal School Endowment, and should be treated as belonging in equal shares to the two local boards of the district. After the publication of that draft scheme, and before signing the scheme, we got from the War Office the following written offer for the buildings:—

"Dublin Castle,

"29th November, 1885.

"Sir,—I am directed by His Serene Highness the Commander of the Forces in Ireland to inform you that he has received a very pressing letter from the War Office, dated 28th inst., requesting him to communicate with the Educational Endowments Commissioners for Ireland, with a view to their inserting in the Act for regulating endowments, which they are preparing, a proviso to the effect that the four trustees of the endowments should sell the existing buildings of Portora Royal School, and the ground belonging to the school, about fifty-four acres, more or less, with the existing buildings thereon, to Her Majesty's principal Secretary of State for War, for the sum of seven thousand pounds, if called upon to do so within the extreme limit of two years from the passing of the Act by the Privy Council.

"(Signed), W. D. MASON, Colonel,
"Commanding Royal Engineers, Ireland."

We did our best to get as much as possible out of the War Office, and wrote asking for more, but we received the following final reply:—

"Dublin Castle,

"20th December, 1885.

"Sir,—Your letter of the 12th inst., on the proposed acquisition of the Portora school premises by the War Department, having been submitted for the consideration

of the Secretary of State for War, I am directed by His Serene Highness the Commander of the Forces in Ireland to inform you that, as the approximate estimate made by the official Commissioners of Valuation in Ireland put the probable selling value of the land and buildings at from £5,500 to £6,500, the offer of £7,000 is considered by the War Office a very liberal one, unless any special reasons for giving the property a higher value can be advanced.

"(Signed), W. D. MASON, Colonel,
"C. R. E. in Ireland."

I would ask it to be borne in mind that at this time the whole of the large Enniskillen endowment was not appropriated to the Fermanagh district alone—we came to the conclusion that, with the prospects of the school and endowment as they stood then, a sum of £7,000 in money, which could be used in connection with other buildings, was likely to be more advantageous and more suitable to the locality than the extensive and expensive and empty Portora structures. Accordingly, in a Revised Draft Scheme, which we published on April 30, 1885, we proposed that the Commissioners of Education should dispose of the buildings to the best advantage on public notice and special notice to the War Office and the Fermanagh local board, who might offer to take all or any part of the said premises for purposes of education accordingly; but that if £7,000 or upwards could be obtained upon a sale of the whole of the premises to the War Office, or any other purchaser, they should be sold in preference to retaining them for purposes of education. All these drafts, and all stages of the scheme, retain the provision that, however disposed of, the value of the premises is to be treated as a fund belonging in equal shares to the two parties. Before the scheme was signed, the Fermanagh Protestant Board in May, 1885, very strongly urged that, if they were courageous enough to take over this great building, they ought to get a chance of keeping it as a school, and procuring it for the purposes of education, and we yielded to them. Accordingly, at the sitting of May 31, 1885, in pursuance of that desire, we gave the preference to the Board; both parties understanding that the interest of the opposite party was not to be affected by the right of pre-emption—in other words, that the Protestants were to take the buildings on the same terms that the War Office proposed, namely £7,000. Mr. Dune, who was counsel for the Protestant Board, when Mr. Carton objected, said that the Protestants were prepared to allow the Roman Catholics £3,500 for the buildings. Mr. Dune and others urged that the people of the locality ought to get the buildings, and that half their value should be handed over to the Roman Catholics out of the accumulations of the Enniskillen Endowment institution. It was objected that if the Protestants got the buildings for £7,000, and only gave £3,500 to the Roman Catholics out of the common fund, that would not be giving them half but only a quarter of the value of the buildings, and the common fund taken together. This was yielded to, and it was agreed that the Protestants were to raise the £3,500 from their own resources.

I will read from the Report of this sitting, to be found in our Report for 1885-86, p. 181:—

"4355. Mr. CARTON, q.c.—We have no objection to a clause of pre-emption at £7,000, provided it does not touch the corpus of £4,000. In other words, they are to provide from some outside source, some £3,500.

4356. Rev. Dr. MONTAGU.—I take it that Mr. CARTON's clients would receive £3,500 in cash under this arrangement.

Mr. CARTON, q.c.—Laying the £3,500 to be dealt with as portion of the corpus of the endowment, the fund is to be supplemented so far as the Catholics are concerned, by an additional £3,500, or half the value of the buildings, to be provided by the Protestants out of a fund of their own.

4357. Rev. Dr. MONTAGU.—The only difference would be that instead of receiving the £3,500 from the War Office, you would receive it from your friends in Enniskillen.

Mr. CARTON, q.c.—Quite so."

See A. 3750.

Mr. Carton said the price was below the value, but I told him how it was fixed, and he said that —

"Having regard to what you have told us about the £7,000 and the way it was arrived at, I would not press the matter further."

Mr. Dane then said (Q. 4359) :—

"As I understand, you will insert our right of pre-emption in clause 30?"

Mr. Dane also asked more time—three years—to equip the buildings and get the schools into working order, or to get new schools. The upshot was that we inserted a provision that if the Protestants paid the £3,500 they should get the buildings, and if they did not pay in the buildings should be put up for sale; but if they did pay the £3,500, that sum was to be paid over to the Roman Catholics as representing their interest in the value of the buildings which would go to the Protestants.

This scheme went before the Lord Lieutenant, and the following objection was put in by the committee representing the various Protestant denominations of the County Fermanagh :—

"We object to the portion of section 55 which arranges that the £3,500 we have now to raise to meet the Roman Catholic claim shall be retained by the Commissioners of Education in the event of the premises being sold at any future time. We ask that a clause be inserted to the effect that in case of sale the Commissioners shall hold and dispose of the sum of £3,500 as belonging exclusively to the Fermanagh Protestant Board, and as part of the endowments to be applied by the said board in accordance with the provisions of the scheme, and shall hand over the residue to the said board to liquidate the debt incurred in raising the other £3,500 required by the Commissioners."

"We object to section 70, in which the Fermanagh Protestant Board is required to provide the sum of £3,500 as a condition without which they cannot use the school premises for the purposes of education."

On these objections the Privy Council adopted a middle course, and made a declaration :—

"That the scheme be altered so as to enable the Fermanagh Protestant Local Board, in providing the sum of £3,500, required to be paid under clause 60 of the scheme, to secure a portion thereof, not exceeding £2,500, by a charge on the Portora Royal School premises, if the balance shall have been raised by voluntary contributions in accordance with clause 55 of the amended scheme, and to empower the Commissioners of Education to take all necessary steps to carry out this arrangement."

In our amended Scheme we carried out that direction, and the result of that scheme would be that, upon raising £1,000 of their own money and putting a charge of £2,500 on their own share of the school premises, leaving interest at 4 per cent, the Protestants would get the Portora premises, and the Roman Catholics, on the other side, should get £1,000 in money, and the charge for £2,500 on a building fund for themselves.

The whole meaning was that the Protestant Board should get the school premises estimated at the same sum which the War Office offered to pay for them. If this was a case of contract, the legal position would be that the premises, as they existed when the £7,000 was offered, should be maintained in their existing state, until the completion of the bargain. If I undertake to sell my house to a man who undertakes to buy it at a fixed price, I must keep it in the same state of repair and tenable order until I give him possession. I would not be bound to improve it for him, and if I allowed it to go to ruin while the title was being completed, he would not be bound to take it, and he would have his remedy against me.

So the matter stood until we got the communication from Bishop Donnelly about the Commissioners report, that the Protestant Board had taken steps to carry out the scheme, and the Commissioners were about to expend some £350 for them on the buildings. It is not only our duty, but we are delighted to assist in giving full effect to the scheme.

Further, the position of the Protestant Board is different now from what it was when we thought them unwise in taking these buildings, for they are now assured of half the Enniskillen endowment, but we must see fair play to the Roman Catholics too.

Bishop Donnelly wrote on October 2, 1890 :—

"The scheme proceeds on the principle of dividing equally between the Protestant and Roman Catholic bodies the entire proceeds of the endowment, embracing the school premises as well as the entire capital and savings of the endowment. This principle was fully, and to all appearance, sincerely concurred to by all the parties concerned, and this principle underlies and governs the entire scheme. The Portora school premises, the buildings, and land attached thereto were assessed to be worth £1,039, Her Majesty's Secretary of State for War having offered that sum for them. The Protestant community, through a representative committee, expressed a desire to get possession of the premises in order to conduct a Protestant Intermediate School in them. The Roman Catholics concurred to this arrangement on condition that the Protestant Committee should pay over or give security for £3,500, which sum should go to the Roman Catholic share of the endowment. This arrangement was fully discussed at the public sittings of the Educational Endowment Commissioners, was acquiesced in by all the parties, and has been duly embodied in the Scheme (39th clause). The Commissioners of Education in Ireland, in their report for 1889-90, declare that they have in their hands £450 saved from the Portora Royal School Endowment, and announce their determination to expend this sum in fitting out the Portora School buildings for educational purposes as soon as the Fermanagh Protestant Board shall have taken over the premises."

The passage from the report of the Commissioners of Education is then quoted, and the objection then proceeds :—

"This is clearly a proposal to expend a portion of the common fund for the exclusive benefit of one of the parties. If this proposal allotment of the £450 be permitted, we object to the 40th clause of the 'Further Amended Scheme' in the name of the Roman Catholic community, and we ask that the Portora Royal School premises be given to Her Majesty's Secretary of State for War at £7,500, which sum be laid off without adding any previous expenditure on them. If, however, it be considered advisable to allot £450 out of the savings of the endowment, to enable the Protestant Board to equip their school, we respectfully ask that a similar allotment be made out of the savings of the endowment to go towards the equipment of the Roman Catholic schools."

That objection has been sent back to us, with the scheme, from the Lord Lieutenant. There is no declaration in respect of it, and I can easily see why. The property remains in the hands of the Commissioners of Education until the scheme comes into force, and the Privy Council has no power of dealing with it in the meantime. The Protestant Committee submitted, in answer to the objection, that—

"The representatives of the Roman Catholics of the Fermanagh District are in error in supposing that the £250, or any portion thereof allotted to us in their objection, will be spent upon the equipment of Portora. The Commissioners of Education, whose duty it is to keep the Royal Schools in repair, having ascertained that considerable repairs were necessary in order to bring Portora school buildings into the same state of repair as Armagh and Dungannon schools, engaged a contractor under their own architect to have certain repairs carried out, amounting to £250, being exactly half the amount which their architect certified as necessary to put the buildings in tenable order. In alluding to the accumulated savings, it is manifest that the representatives of the Roman Catholics have not taken into consideration that the Fermanagh Protestant Committee alleged that the accumulation of these savings went to some extent, the cause of the collapse of Portora Royal School. The exhibitions and prizes were withdrawn, the buildings were allowed to go into disrepair, and various other discouragements arose, which had the effect of deterring pupils from entering the school."

We have looked into the figures, and from 1889 to 1894 we found, when the numbers of the school were at the lowest point, the expenditure on the buildings was nearly three times more than in the five years

following, from 1885 to 1889; therefore the reduction of the expenditure was not consequent merely on the reduction in the number of pupils. The objection continues:—

"Had this not been so, and had its natural promoters asserted themselves to strict pupils, the Protestant committee are satisfied a very different state of things would have existed, and this school, which was found in a state of collapse, would have continued prosperous. The Roman Catholic representatives are also wrong in supposing that the Protestant committee ever admitted that an equal division between the various Protestant denominations on the one hand and the Roman Catholics on the other was just or equitable. On the contrary, they maintained that as the majority of those likely to require higher education were Protestants, the larger portion of the endowment should reside with them. In order to sustain this view they produced the following statistics showing the respective endowments of the Protestant and Roman Catholics in Fermanagh and Monaghan at and over £20:—Protestants £265, Roman Catholics, 1,352."

Certainly in Fermanagh the Protestants had a strong claim to more than half, but the Privy Council, not this Commission, made the rule "share and share alike" for all, and if the Roman Catholics ought to get less than half in Fermanagh, on the same principle they would claim more than half elsewhere. They then continue:

"Should the matter be again opened up, the Protestant committee believe that with the additional evidence they can produce they will obtain a larger share of the endowment than the scheme now gives them. As, however, they lacked no formal objection, they will accept the situation in the event of the scheme now being approved by the Council, rather than postpone the establishment of the new school, which they have every reason to believe will attract large numbers. The Protestant committee also beg to point out that the Commissioners of Education would not be justified in allowing the school property under their care to go into disrepair during the continuance of this struggle on the part of the Roman Catholics to deprive the Protestants of an undue proportion of the endowment. The Protestant committee consider that not only are the Commissioners of Education justified in keeping these buildings in proper repair up to the last day of their term of office, but that they would be acting strictly within their rights, and in conformity with the letter and spirit of the Acts of Parliament under which they exist by restoring and preserving Portora School, and in applying any or all of the Portora savings, so far as they consider them necessary, for this purpose."

Now, that is how the matter stands, and one of the motives that induced us to appoint this public sitting was that we desire to omit no opportunity of trying to get this matter justly arranged, so as to avoid a petition to Parliament on the subject. We know now that the Fermanagh Protestant Board have committed themselves to the great undertaking of trying to revive the Portora School, and it would be lamentable if the proceedings of this Commission were to upset their attempt. But if the Scheme is not fairly settled, however the letter of the law may be, anyone interested can present his petition to Parliament, the effect of which will be that great delay will be caused, all the cost of the Scheme will be hung up, and the whole thing may have to be commenced again. Whether this expenditure is within the legal power of the Commissioners of Education or not—whether it is within the letter of the law or not—it occurs to me that, though we may have no legal right to interfere, we ought to see that the opposite party get an equal benefit in respect of it if it is inconsistent with the arrangement made before us.

1793. Mr. Justice O'BRIEN.—Except from the statement of the Lord Justice, I have no personal knowledge of this matter, not having been a member of this Commission until after this comprehensive scheme was settled. My first knowledge of this controversy is derived from these objections, and I must say from all I have heard I do not believe it was

within the power of the Commissioners of Education to spend this money after the amended scheme was published no more than it would be for a government after a dissolution to appoint law officers. It appears on the report, after what the Lord Justice has read, that Mr. Evans, counsel for the Protestants of Fermanagh, in May, 1889, said (Q. 4364):—

"We want these full years to pay this money; if we get this building we will have to equip it, and get it into working order, or we may have to get a new school."

There is another remarkable passage, which I will read. Mr. Curton says (Q. 4377):—

"As to the £2,500 at page 37, it is stated that the capital and corpus, including the £6,000, which are accumulations to the credit of Fermanagh, are to be treated as portion of the endowment for three years, and afterwards to bear the mortgage grant, and to be thrown into the common fund. Is the income to be applied exclusively for the purposes of the district?"

And the Lord Justice gave this categorical and distinct answer, in which he irrevocably defines the position of the Commissioners and the Protestant community at that time (Q. 4378):—

"Up to the present the Commissioners have been keeping up all their money, and have been paying for Raphoe and Armagh out of a common fund. This is to be stopped, and each account is to be separate from the date of the scheme. After the scheme coming into force in district, the income and stock and cash will go with the rents, and after the three years each Board will get its percentage of the income of whatever is not spent, and the rest would go into the residue. We cannot see any way out of paying this Raphoe debt of £1,500 out of the money in the Commissioners' hands—it can never be recovered, it has been spent—and you will have to bear more than half the loss."

I was greatly surprised at that passage, for I understood that the public explanation of the course determined upon in the interests of the public, given by the Privy Council, was that the accumulated funds in the hands of the Commissioners of Education, were not applicable to Fermanagh or Enniskillen alone, so as to give any one a right of claim; but that they were to be applied to the Royal Schools as a whole. That was not how the £7,000 was accepted at all. There is another very remarkable thing that attracted my attention: the written objections made to the Privy Council are not in accordance with the Reports of their own proceedings by the Commissioners of Education. Here is the answer given by the secretary of the Fermanagh committee:—

"The Commissioners of Education, whose duty it is to keep the Royal Schools in repair, having ascertained that considerable repairs were necessary in order to bring Portora school buildings into the same state of repair as Armagh and Dungannon Schools, employed a contractor under their own architect to have certain repairs carried out amounting to £250, being exactly half the amount which their architect certified as necessary to put the buildings in tenable order."

That does not agree with the Reports of the Commissioners of Education, that they performed their duties in previous years by repairing the buildings from time to time. They had no authority but to expend what money was necessary to meet the actual necessity of temporary repairs that would arise in any large building. Here is their own statement:—

"The committee representing the various Protestant denominations of Fermanagh have referred as that it is their intention to avoid themselves of the option given them by the 64th section of the scheme for the Ulster Royal School?—

The contemporaneity of these acts is certainly most remarkable, for it appears to be on that occasion, when the offer was accepted, that the Commissioners of Education determined upon this expenditure.

Dec. 2, 1889.

—“and to continue to use the Enniskillen premises for the purposes of a school, and they have applied to us to put the buildings at Portora into a condition fit to be at once fully occupied for educational purposes prior to handing them over to the Fermanagh Protestant Local Board.”

This might mean the expenditure of a large sum upon the construction of dormitories and other things which were not repairs of the building at all. Then there is a remarkable statement:

“During the last five years the school has practically collapsed, and we have confined our expenditure on the buildings to what was absolutely necessary to prevent gross permanent injury.”

It must be presumed they did their duty in expending so much money as was necessary.

“There has accordingly been a sum of about £500 saved in respect of expenditure upon repairs. And we propose, upon the transfer of the school to the Protestant Local Board being secured, to expend this sum in accordance with the application of the committee.”

I turn back to the statement to the Privy Council, about the employment of the contractor under their own architect, and I must say it is a matter on which great consideration attaches, that the exact amount they found in their hands at that time was £650.

1754. Lord Justice FitzGibbon.—We will first get the correspondence from Mr. McDowell, as all parties ought to know that.

JEFFERY McDOWELL, Esq., sworn and examined.

Jeffery
McDowell, Esq.

1755. Lord Justice FitzGibbon.—You are secretary of the Commissioners of Education?—Yes.

1756. What was the first communication you got in reference to making this expenditure on Portora?—A letter from the secretary of the Fermanagh Protestant Committee dated November 21, 1889.

1757. Have you got that letter?—Yes. [produced].

“Enniskillen, 20th November, 1889.

“To the Commissioners of Education (Ireland).

“DEAR SIR,—A deputation from the Fermanagh Protestant Committee having this day made a careful examination of the Portora School buildings, I am directed to call the Board's attention to the state of the premises at the present time. (1) The slating on the roof of the centre building requires repairs. In many cases the slates were cracked or pitched with cement, &c. fastened with nails, whose heads were not fastened round with putty as to prevent the wet getting in and doing injury to the wood-work below. (2) The lead-work on gutters and valleys of roof is also much worn and patched with solder, and requires to be renewed. (3) The flooring of a large upper room is being destroyed with decay, and ought to be made tight. (4) The oil pipe of cement and concrete plastering on front of building would need to be done in cement, since as pipes recently done. (5) The back walls of the main house require to be dashed, as this work has lately failed. (6) The wood-work of windows, doors, &c., requires painting and repairs. As the Fermanagh Board proposes taking over the premises under the new Scheme, and using them for a boarding and day school, we think you ought to leave them for us in a fairly decent and habitable condition.”

(Signed), S. CURRANE MITCHELL.

1758. Have you any minute on that letter?—Yes.

“13 Dec., 1889.

“Read letter from Rev. S. Cathbert Mitchell, Secretary to the Fermanagh Protestant Committee, calling the attention of the Board to the condition of the Portora buildings, and requesting them to have considerable repairs carried out thereon. Resolved (after reading the report of exhibited on the matter), that, inasmuch as the sum of £7,000, the value placed on the premises in the Ulster Schools Scheme, was estimated on the existing state of the buildings, that Mr. Mitchell be informed that the Board do not feel warranted under present circumstances in expending more than their Architect considers necessary for the strict preservation of the buildings; and further, that the Architect has advised that in no event should any repairs be undertaken before the early spring.”

I communicated that to Mr. Mitchell by the following letter:—

“14 December, 1889.

“DEAR SIR,—In reply to your letter of the 21st of November last on behalf of the Fermanagh Protestant Committee, calling the attention of the Board to the condition of the Portora School buildings, and requesting them to carry out various repairs thereon, I am directed by the Commissioners of Education to inform you that under present

circumstances they do not feel themselves warranted in undertaking any greater expenditure than their Architect considers necessary for the strict preservation of the buildings. I am further directed to inform you that the Architect has advised the Board that no repairs should be undertaken before the early spring.”

(Signed), JEFFERY McDOWELL.

1759. Dr. TRAILL.—Have you the architect's report?—Yes; it is dated December 5, 1889.

“With regard to the condition of the buildings at Portora, I fear the report sent in by the Fermanagh Protestant Committee is to a great extent correct. You will remember that for three or four years past the expenditure on the school in repairs was restricted to a very small sum, and the greater part of the house proposed by me from five to nine was struck out. In consequence of this, nothing but patches of repairs could be afforded to; and many very desirable repairs, such as those alluded to, had to be abandoned. I have been careful to keep the roofs water-tight, however; and although they may be patched up in places as described, I don't think any leaks will be found in them. It should be remembered, too, that the main floor roofs are old, being probably 60 or 100 years in existence, and they cannot, therefore, be expected to be as perfect and complete as new roofs would be.

“(Signed), W. M. MITCHELL.

There is a further report:—

“10 Leinster-street,

“Dublin, 9th December, 1889.

“DEAR SIR,—As I fear that my letter of the 6th inst. with regard to Portora School may not have been sufficiently explicit, will you allow me to add a few remarks in explanation of it. I am disposed to admit the condition of the school buildings as described in the memorial of the Fermanagh Protestant Society as being substantially correct, with the exception to the reference to the roofs, in which their defects are exaggerated. The other matters were left over, and only the repairs that were really pressing were undertaken, the result being that the quantity of work required to be done, to place the buildings in a fairly tenable condition, has been steadily accumulating for some years past. Besides the matters mentioned in the list referred to, there are others, such as the plastering fittings, which stand equally in need of repair. I do not know whether it is the intention of our Board to place the buildings in good order previous to handing them over or not, but looking at the question from its practical side, I would not advise any repairs to be undertaken before the early spring. The re-plastering of the front and back walls on the exterior would suffer from frost if done during the winter months, whilst the rest of the work would be carried on at a disadvantage on account of the shortness of the days and the approach of the Christmas holidays. The covering of the front, though very desirable, will be a heavy item.

“(Signed), W. M. MITCHELL.”

1760. Lord Justice FitzGibbon.—What was the next step?—On January 17, 1890, there was a letter

from the Rev. Mr. Mitchell, asking our Board to meet a deputation of theirs, and on January 22 there was another letter from him.

"Enniskillen, 22nd January, 1890.

"To the Commissioners of Education, Dublin.

"DEAR SIR.—In reply to your Secretary's letter of the 20th January, I am directed to say, that owing to the great and unexpected delay in transferring the Portora School Premises to the care of the Protestant Local Board, the Committee is becoming uneasy in view of the dilapidations that are going on in consequence of your decision to execute as few repairs as possible. We are unable to see any reason why the Dispensary school buildings, for instance, have been preserved in a state of excellent repair, while Portora has been comparatively neglected of late years, especially as there has been such a large surplus accumulating to the credit of this school annually. As the Fermanagh Protestant Board intends to take over these buildings, the Committee consider it to be their duty to call the attention of your Board to this state of things, and to ask your favourable consideration of our application, dated 25th November last, requesting you to put the premises into tenable condition. We therefore suggest that you should direct your Architect to make a thorough survey of the buildings; or, if you prefer it, we are now prepared to submit a report from the Architect who lately examined them on our behalf in confirmation of our application. It was the desire of our Committee that a small Deputation should wait upon you at your next meeting to set forth our views in a more satisfactory way than letters can do; but as we are informed that this course would be contrary to your custom, the Committee submit this letter as a supplementary statement to the recent application.

"(Signed), S. CURRAN MERRILL."

1761. Was there any minute on that?—Yes; on January 27.

"A further application from The Fermanagh Protestant Committee for repairs at Portora was considered. The Board saw no reason for reviewing the decision they arrived at at their last meeting."

1762. When was the matter resumed?—The next letter was on April 30, 1890.

"Enniskillen, 30 April, 1890.

"To The Commissioners of Education, Dublin.

"DEAR SIR.—Allow me on behalf of the Protestant Committee here to remind you of your promise, made some months ago, to have some needed repairs executed to the Portora School Premises in the spring.—See your Secretary's letter to me; dated 14 December last, also my letter of 22nd January, 1890. Your attention to this matter will much oblige.

"(Signed), S. CURRAN MERRILL."

Then there was their circular letter:—

"Portora School Premises,

"Enniskillen, May 1st, 1890.

"GENTLEMEN.—The Committee representing the various Protestant Denominations of Fermanagh, expect that the Portora Premises will be handed over to the Fermanagh Protestant Local Board in good Tenable Repair, and fit to be suitably occupied for Educational purposes. They are strengthened in their belief of the reasonableness of their request by the fact that the Commissioners who have charge of them at present, have ample means at their disposal out of Portora savings. The possibility of the premises passing into the hands of those requiring them for other than Educational purposes might have been considered a justification for their present neglected condition, while the Schools of Armagh and Dungannon, which were under the charge of the same Architect, have been kept in comparatively good order. However, now that Portora is to be retained for Educational purposes, there is no reason why the Premises should not be put in proper order before being handed over. The Local Board have before them the task of raising a considerable sum of money to pay off the Roman Catholic Local Board's claim; to furnish and equip the School and prepare it for the reception of boys, teachers,

and masters. Therefore it is manifest that it would not be in the interests of education to impose upon them a heavy outlay, consequent upon the neglect of the present Architect to keep the premises in proper repair, owing to the erroneous impression which prevailed that the School was not to be continued."

It is only right to say that, besides the repairs carried out on the premises, at the recommendation of Mr. Mitchell, he recommended other repairs which the Commissioners did not sanction.

"From the correspondence which has taken place on this subject and to which we beg to refer, it may be gathered the intention was, that your Architect might, during the spring, have some slight repairs executed. This we submit is quite inadequate; it does not meet the case, and no more, so far as we know, has been made in the matter. Believing that other important duties prevent the Commissioners from attending all the meetings, we take the liberty of stating our views to them individually, and hope they will be able to attend the meeting on Friday next. Deputations have also been addressed to them at the Office, to ensure that the question will be placed before them, should our circular not reach their private address in time for Friday's meeting.

"(Signed), S. CURRAN MERRILL."

1763. What happened on that?—Nothing, until after another letter was received.

1764. Was there nothing done on Friday?—No.

1765. Did the Commissioners consider the memorial?—They did not. The Rev. Mr. Mitchell wrote again:—

"Enniskillen, 30th May, 1890."

"To The Commissioners of Education, Dublin.

"GENTLEMEN.—I am directed by my Committee to inform you that the amount which we require to pay under a section of the new Scheme—£3,500—as the condition upon which we get Portora School Premises for the "Fermanagh Protestant Board of Education," will be paid when reported to the Commissioners. I am also requested to urge the question of the repairs of Portora once again on the attention of the Board. As a very considerable burden of raising money to meet the above claim and equip the new school is laid upon us, we think that the Board should hand over Portora to us in good tenable repair, and fit to be fully occupied for school purposes.

"(Signed), S. CURRAN MERRILL."

"P.S.—I enclose a copy of my former printed statement on the subject, dated 1st May."

1766. Mr. Justice O'BRIEN.—You drafted your annual report in the ordinary way as Secretary?—Yes, I drafted it.

1767. You must have got the printed circulars then, for you quoted them "fit to be at once fully occupied for educational purposes"?—I suppose so.

1768. Lord Justice FERGUSON.—What was the next step?—This report from the architect:—

"A, Lister-street, Dublin, 3rd June, 1890.

"Reply to Portora School.

"MY DEAR SIR.—I beg to inform you I visited Portora School last month, and pointed out generally to Mr. Harvey, the local contractor, the repairs I considered ought to be undertaken in order to place the whole of the buildings in a complete and tenable condition. Mr. Harvey has given very completely and thoroughly into the matter, and has furnished me with an estimate of the cost of these repairs, which I enclose herewith. The total amount of the estimate is £1,274 7s. a large sum, but not much in excess of what I had estimated would be required. The prices are very moderate, and I doubt if the whole of the work could be done properly for a smaller sum. As it is probable however, that the Board will not sanction so large an outlay, I have thought it advisable to give, for the information of the Board, a list of these repairs which would be of a permanent

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Feb. 3, 1883.
 Jeffrey
 McDowell, Esq.

character, and which, in the case of an ordinary house, the landlord would be expected to carry out, excluding those repairs of a more temporary character, such as painting, papering, &c. In the list I would include the following, viz:—

	£	s	d
* Inside of main house, ...	300	0	0
* Outside of	271	8	10
* Plumbing work, ...	329	10	0
* Hospital, ...	35	0	0
* Examination Hall, &c., &c., ...	120	0	0
* Our office, ...	40	0	0
	797	4	10

"The prices are in most cases only to be taken as approximate, but the list may be of value in assisting the Board in coming to a decision as to the amount they will expend upon the premises."

"(Signed), WILLIAM M. MITCHELL."

"The Secretary, Commissioners of Education."

1776. What was done on that?—On June 5, 1880, there is a minute—

"An application from the Fermanagh Protestant Committee to the Board to put the Enniskillen School premises into a state of good tenable repair, and fit to be at once occupied for educational purposes, was discussed; and the Board, having considered the report of the Architect on the condition of the buildings, the estimates furnished by Mr. Harvey, and the state of the Enniskillen funds, adopted the following resolution:—

"To expend £650 upon the permanent repair of the School Buildings (including the proposed alterations in the Examination Hall); such work to be commenced immediately after the adjournment by the Fermanagh Protestant Committee of that year to the credit of the Commissioners in the Bank of Ireland. If the scheme for the Ulster Royal Schools be finally approved by the Lord Lieutenant in Council, and if proposed arrangements for the application of the endowment be carried into effect by the Protestants of the Fermanagh District, and Portora be retained for educational purposes, the money so lodged to be returned to the Protestant Local Board; otherwise the same or a sufficient part of it to be retained by the Commissioners for repayment of their expenditure."

1779. If they did not get the buildings they were to lose the money expended on them?—Yes.

1771. Most Rev. Dr. Dowdall, Lord Bishop of Clogher.—The £650 would not be required if the War Office were to take over the buildings?—That was it.

1772. Mr. Justice O'BRIEN.—The £797 included what Mr. Mitchell contemplated doing to the examination hall?—Certainly.

1773. The only deduction the Commissioners made from that was the £180—that is, out of the £797 they determined to expend £617?—Yes.

1774. Lord Justice FRANKLIN.—The £650 represents the sum you have given, less £150 for the examination hall?—The £650 was not calculated in that way, but from savings on repairs for the last few years.

1775. Was that minute communicated to the Committee?—It was communicated to them by letter on June 9.

Mr. Justice O'BRIEN.—There must be some misapprehension on your mind; you stated in reply to the communication from the Protestant Committee that £650 was what the architect had certified for. Taking £150 from £797 would leave only £647.

1776. Lord Justice FRANKLIN.—What was the next step?—A letter of June 17 from the Rev. Mr. Mitchell:—

"Enniskillen,
 "17th June, 1880."

"J. McDOWELL, Esq.

"Dear Sir,—Kindly inform me what portion of the repairs to Fermanagh School the Commissioners propose to execute, as we are informed that the necessary repairs to the whole premises would cost much more than the sum allocated for this purpose by your Board. You will see that it would be very desirable that such information should be supplied to our Committee."

"(Signed), S. CURRAN MITCHELL, Sec. Sec."

1777. What next?—I replied as follows:—

"21st June, 1880."

"Rev. DEAN SIB.—In reply to your letter of the 17th inst., I am directed to inform you that the Commissioners of Education are willing to expend the proposed sum in executing any portion of the repairs at Portora that your Committee may consider most desirable, exclusive of any repairs to the examination hall, and subject to the approval of the Architect to the Board."

"(Signed), J. JERRARD McDOWELL, Secretary."

1778. What next?—They wrote another letter:—

"Enniskillen, 16th July, 1880."

"To the Commissioners of Education, Dublin."

"DEAR SIR,—I beg to inform you that we are now prepared to lodge the sum of £650 with your bankers in conformity with your Resolution, dated 6th June, 1880, provided that in the event of the Scheme not passing into law, as directed on the last occasion by the Privy Council, this sum be refunded to us. It is our intention to accept the Scheme in its revised form, but if through the action of any other bodies it should happen that we would be in a worse position than we now occupy, we ought, as Trustees of public money, to be protected against possible loss. We are very anxious to get the repairs done during this summer and will therefore thank you for an immediate reply. As our bankers here allow us two and a half per cent. interest on deposits for school purposes, we expect you to get a similar concession for us in Dublin."

"(Signed), S. CURRAN MITCHELL."

1779. What next?—We answered that.

"31, Molesworth-street, Dublin,

"16th July, 1880."

"Sir,—I beg to acknowledge receipt of your letter of the 16th inst., and to inform you that same will be laid before the Commissioners at their next meeting. It is, however, impossible that an immediate reply can be sent thereto, as no meeting of the Board will be held until after the vacation. In the meantime I have submitted the application to Mr. Figgis, one of the Commissioners, and I am directed by him to inform you that it is not convenient for him to alter in any respect the resolution of the Board of the 6th June, last, but that he will be prepared to give directions to have the works commenced immediately after the adjournment of the £650 to credit of the Commissioners in conformity with that resolution. I am further to add that at the first meeting of the Commissioners held after such adjournment, the £650 will be transferred to their deposit account in the Bank of Ireland, and that any interest that may accrue thereon shall be paid over by the Commissioners to the Fermanagh Protestant Board."

"(Signed), J. JERRARD McDOWELL, Secretary."

1780. What next?—They asked for permission to advertise for tenders for the work. The next letter was the following:—

"Enniskillen, 23rd July, 1880."

"To the Commissioners of Education, Dublin."

"GENTLEMEN,—At a meeting of our Portora School Committee held yesterday, James Harvey's estimate, amounting to nearly £1,300, for repairs was considered. I was instructed to ask you at your next meeting to say whether, in view of the extent and variety of the work to be done, you would authorize us to advertise for tenders to execute the portion of the works most needful up to the amount you offer—£250, and select the tender or tenders we select to your or your Architect for approval."

"(Signed), S. CURRAN MITCHELL."

1781. That was brought before the Board?—It was not necessary to do so. Mr. Harvey's estimate was approved of before the Board met. Then there was a letter of September 15:—

"Please say by return post and we at liberty to devote any portion of the £250 to the general repairs of the examination hall, as Dr. Lindsay, the Head Master elect, wants the hall repaired for school purposes."

That was answered, that none of the money was to be expended on the examination hall. Then they sent up the revised estimate, reducing the cost from £1,500 to £221 9s 6d., on September 17, 1890, and they lodged the £650, on September 20, in the Bank of Ireland.

1782. Mr. Mitchell went through the revised estimate, and considered the prices moderate and the selection made judicious?—Yes.

1783. Was the contract made with Mr. Harvey?—Yes.

1784. The contract was made between James Harvey, of Belmore-street, Enniskillen, builder, and the Commissioners of Education, and it is dated October 7, 1890?—Yes.

*The said James Harvey hereby undertakes and agrees, for the consideration hereinafter mentioned, within twelve clear weeks from the date hereof, to execute, or cause to be executed, the sundry works required to be done in repairing and renovating certain portions of the buildings of the Royal School, Portora, in accordance with the detailed estimate this day signed by him, and complete said works to the satisfaction of the Architect of said Commissioners—namely, Mr. Wm. M. Mitchell, of No. 5, Leinster-street, Dublin, for the sum of six hundred and twenty-one pounds nine shillings and six pence (£621 9s. 6d.) sterling; and the said Commissioners of Education hereby undertake and agree to pay, or cause to be paid, to the said James Harvey said sum of £621 9s. 6d. in instalments of not less than £200 each during the progress of works, on the written certificate of said Architect, and the balance within one month after the completion of same to his satisfaction, as expressed by his final certificate.

—JAMES HARVEY.

*Witness—

“S. CURRINGTON MITCHELL.

“Date, 7th October, 1890.”

1785. Rev. Dr. McLOV.—Am I right in supposing that the object of getting the Portora Committee to lodge the £650 was that the Commissioners could hold the money if the War Office got the place?—If the War Office did not get the buildings, the Commissioners would get it back.

Mr. Wm. F. Cooney.—It was to be assumed that we would not go back of our offer.

1786. Rev. Dr. McLOV.—If the buildings were disposed of for any other purposes than those of the Fermanagh Board, the money was not to be returned?

Mr. Cooney.—The War Office wanted to get them for nothing, and in order to insure our taking the buildings this money was lodged. But it would be kept by them if the War Office got the building.

1787. Dr. TRAILL.—Not if the War Office got the building, but if you refused to take them?

Mr. Cooney.—Yes.

1788. Lord Justice FITZGERALD.—If you were not able to get the people to subscribe the necessary amount under the scheme, you would lose the £650?

Mr. Cooney.—Yes.

1789. Rev. Dr. McLOV.—The point I want to bring out is that the Commissioners of Education did not consider that this expenditure of £650 would be necessary if the War Office got the buildings.

[Witness read the minute on the subject.]

1790. Mr. Justice O'BRIEN.—Why should the Commissioners hold on so the £650 if the War Office took the premises for £1,000?

Mr. Cooney.—The War Office never made an absolute offer at all.

1791. Mr. Justice O'BRIEN.—You are bound by their offer.

Mr. Cooney.—They never made an offer.

1792. Mr. Justice O'BRIEN.—There is this sum of £1,600.

Mr. Cooney.—I beg your pardon, they never made a bond fide offer.

Mr. Justice O'BRIEN.—Perhaps the Portora Committee know better than the Privy Council.

1793. Rev. Mr. O'CONNOR.—The Military Inspector remarked that it would be better to build a new barracks in Enniskillen than to get an old building. It is not structurally adapted for a barracks at all, and it would require some outlay to put the place in a suitable condition for a school.

Lord Justice FITZGERALD.—There can be no mistake about the offer of £7,000 in the War Office letter of 29th November, 1888.

Mr. Cooney.—That is simply making the refusal of it. They are at liberty to hold it under their thumb for two years and then say, “We won't take it.”

1794. Most Rev. Dr. Donnelly.—No matter what is said of that offer, it is in your recollection that the Protestant Committee of Fermanagh, through their authorised agents, were willing to accept the premises at £7,000.

Lord Justice FITZGERALD.—That is another matter.

1795. Mr. Justice O'BRIEN.—At present we are on that interesting point of law, whether if one man agrees to sell and another agrees to buy at the price stipulated for—whether he can abandon it afterwards if he wishes.

Mr. Cooney.—But they made no offer. I understand the term very well, for I am accustomed to have dealings with military men. They will come to me and ask the refusal of a house, and I will say “Yes.” That is, I am to hold the house until they come and say whether they will take it. They may say “It does not suit me; I won't have it.”

Most Rev. Dr. Donnelly.—The Protestant Committee promised to pay £3,500 down.

1796. Lord Justice FITZGERALD (to witness).—Is the work done?—It is being done.

Rev. Mr. O'CONNOR.—There is a phrase used here that is most misleading. What was required was to put the school in order for the reception of boys. To equip it for technical purposes might imply, as Judge O'Brien said, the alteration of dormitories and structural details. But we did not mean that. We only meant that the premises should be handed over to us in tenantable order. The Roman Catholic objection has gone on the ground that we were getting what would equip the whole school. That is not the case. We have our account in the Ulster Bank—the Protestant equipment fund—and we are endeavouring to equip the school from our private sources; but with the £1,000, which we were also obliged to raise from private sources, it taxed our energies very much. Now, however, that we have succeeded in getting it, I think the Commissioners are certainly bound to let us have the premises wind and water tight at all events, and in good sanitary condition.

1797. Rev. Dr. McLOV.—You speak of a burden of £1,000 being laid upon you. This Commission did its best to relieve you from it, but you came here as representing the Protestants of Fermanagh, and begged of us to allow you to take that burden on yourselves. We did our best to dissuade you, but you insisted on being allowed, and it is not correct to say this Commission put it on you.

1798. Dr. TRAILL.—It is the first time I heard it said that the object of this Commission was to assist you.

Rev. Mr. O'CONNOR.—We were obliged to accept the condition of raising the £1,000, for it was objected to that the price, £7,000, was excessive, and that if Portora went into the market nothing like that would be realised. It was to keep up that fictitious value we were obliged to raise the £1,000.

Lord Justice FITZGERALD.—The Privy Council gave you the option of doing that.

1799. Mr. Justice O'BRIEN.—You can't say in the face of this offer by the War Office, although it is a prospective one, that that was a fictitious value.

Rev. Mr. O'CONNOR.—If the £7,000 was obtainable at any time, why were we obliged to pay £1,000?

1800. Lord Justice FITZGERALD.—Your original proposition was that you should have leave to carry

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on the school and retain half the endowment, and to do that it was necessary to provide from outside the £3,500 that would be coming to the other side; we thought, if you were able to raise that sum, it would be a guarantee of your being able to carry on the school. The Privy Council reduced the payment to £1,000 down, and allowed the remaining £2,500 to stand out as a charge on the building, of which the effect was to reduce the Protestant share of the funds by £2,500. Come to the real point. We saw the place ourselves, and if anyone was to take over the buildings, he would be entitled, in my view, to have them handed over to him in tenable order.

Rev. Mr. Owsden.—That is all we want.

1804. Lord Justice FRYGEMAN.—But putting the building into tenable order for the particular purpose of receiving a school, not merely repairing it, is improving. I cannot question for a moment that we dealt with this matter all through on the assumption that if the War Office proposal was not to be carried out, £7,000 was to be taken as the value of the premises in the state in which you were to get them, namely, the same state in which the War Office offered for them.

1805. Mr. Justice O'BRIEN.—I do not acquiesce in what the Commissioners of Education proposed. I have stated, and I now repeat, that as a matter of law it is not open to them to expend any money wherever on this concern after the purchase was made.

1806. Lord Justice FRYGEMAN.—The Portora local committee has no existence until the scheme comes into force. In the meantime I hold that the Commissioners of Education are in the position of owners of property who are about to sell it.

Most Rev. Dr. DONNELLY.—I question the Commissioners' power to make this allotment at all, as it is a denominational allotment of public money.

1807. Mr. Justice O'BRIEN.—You assume that that is the law or ultimately will be law.

1808. Most Rev. Dr. DONNELLY.—The report of the Commissioners of Education says that this allotment of £250 was to be made after the Portora buildings had come into the possession of the purchasers, that is, when they should have ceased to be common property. I question their power to make this allotment at all. All the Commission that act to inquire into the nature of the Royal School Endowments from first to last have said that these were public endowments with no denominational character imposed on them, that they were for the benefit of the whole community. This being so, how can the Commissioners of Education justify in making an allotment out of these endowments for what they themselves point out to be a denominational object, after the transfer of the schools to the Protestant Local Board?

1809. Lord Justice FRYGEMAN.—I think you are under a misapprehension. The denominational question does not come in—as the legal owners of this public property, which is to be devoted hereafter to certain purposes, their power and duty is to maintain that property until they hand it over to those who are ultimately to have it. The question is the same as if the place were to be handed over to the War Office, and they had made an arrangement to expend money on it beforehand in putting up stables for cavalry.

Most Rev. Dr. DONNELLY.—But they say they make it at the request of the Protestant committee and in their interest. I say that is a denominational allotment, and *ultra vires*.

1810. Lord Justice FRYGEMAN.—It would be *ultra vires*, no doubt, to spend money for the purposes of the Protestant Local Board until they come into existence, but this expenditure upon the property, which is still in the possession and custody of the Commissioners, is challenged as being unfair to you, and if we see that each denomination is equally treated under this scheme, I don't think you can object.

1811. Mr. Justice O'BRIEN.—I understand your objection to be, Dr. Donnelly, that this money remains in the hands of the Commissioners as a public fund, not set apart for any particular denomination?

Most Rev. Dr. DONNELLY.—Yes.

1812. Mr. Justice O'BRIEN.—And you say they have no power to part with that for denominational purposes?

Most Rev. Dr. DONNELLY.—Yes.

1813. Dr. TRAILL.—Do you consider, Dr. Donnelly, that they were justified in spending any money on the buildings before they were sold?

Most Rev. Dr. DONNELLY.—I think they should have left them as they were.

1814. Dr. TRAILL.—Do you think they would not be justified in spending sufficient money from year to year to keep them in proper repair?

Most Rev. Dr. DONNELLY.—That is all.

1815. Dr. TRAILL.—Well, suppose it turns out that the *Stems* under examination were proved to be absolutely necessary to keep the building in a proper state of repair, would that be a legitimate expenditure?

Most Rev. Dr. DONNELLY.—Not if they were out of repair at the time of the sale.

1816. Mr. Justice O'BRIEN.—If any expenditure was to be made, you think it should be made at the purchaser's own cost?

Most Rev. Dr. DONNELLY.—Certainly.

1817. Mr. Justice O'BRIEN.—And on the basis of the War Office valuation, £7,000?

Most Rev. Dr. DONNELLY.—The building must now be worth £7,650, and the Protestant Committee have a right to account for it on that understanding.

1818. Dr. TRAILL.—Suppose it went back in value?

Mr. Justice O'BRIEN.—The solution of that is, that the Portora community would refuse to take it.

1819. Dr. TRAILL.—I merely ask the question, does he consider the Commissioners should expend any money at all?

Mr. Justice O'BRIEN.—This is really, as one of the members of the Privy Council said, "unarguable."

Most Rev. Dr. DONNELLY.—We gave our assent to the proposal honestly and heartily from the start, but now we see there is an attempt to break faith with us, and take out of the common fund £250 and spend it for the exclusive benefit of the other side. I not only ask compensation for that £250, but I say, before these Commissioners become extinct, there is nothing to prevent them from further improving the school or making a similar allotment to be spent somewhere else, and I ask the Commission to insert in the scheme some clause that will insure us against such a contingency.

1820. Mr. Justice O'BRIEN.—If there is a fixed division you will have nothing more to do with the remaining money. You'll get your own half and go away.

Most Rev. Dr. DONNELLY.—But we are told that the Commissioners of Education may spend anything they like in this way, and we want to be protected against that.

1821. Dr. TRAILL.—On the Dungannon and Armagh schools?

Most Rev. Dr. DONNELLY.—And on Enghoe.

1822. Lord Justice FRYGEMAN.—They say in their own resolution that they had no power to spend anything except for repairs.

Mr. Justice O'BRIEN.—And they gave the best of reasons, that the value of the buildings at £7,000 was estimated on their then condition.

Mr. CONYNG.—How would you propose to deal with the matter? If the thing is sent back from Commission to Commission, it may go on for years, and in the meantime a large number of pupils might be debarred of going to Portora in order to avail of the education there. In that case would you deter the

Commissioners of Education from discharging their ordinary duty of making the place fit for the reception of the boys? Suppose, as is likely to take place, that Portora is opened in February with 40 or 50 boarders, would you think it right that the Commissioners should neglect the sanitary condition of the place so as to endanger their lives by exposing them to the risk of contracting fever? Any action that now interferes with the Educational Commissioners is not in the interests of education. Their action is in the interest of higher education, and will result in Portora being reconstituted and becoming a very important school. The committee have no other object in view. They are merely acting as assistants or volunteers in the cause of education. They are firmly of opinion that Portora never would have gone down if proper care had been taken and a new headmaster had been appointed or something of that kind done.

1830. Mr. Justice O'BRIEN.—What was the cause of its falling?

Mr. CONEY.—One cause was that the pupils were refused admission to it; another cause was that the fees were raised from 50 guineas to 80 guineas a year. The committee differ with Lord Justice FitzGibbon in saying, "You get a fine building and you can have a fine school." There is a great deal to be done before that result can be arrived at, and a good deal of expenditure to be incurred. The committee believe they are paying a high price enough for the place, considering the large responsibilities they are incurring, but they have made arrangements to supplement the existing advantages, and believe that there will be a large school at Portora in February next, and one give approximately the number they expect.

1831. Mr. Justice O'BRIEN.—How many?

Mr. CONEY.—There will be at least 80 pupils.

1832. Rev. Dr. MOLLOY.—Is that under the new system or the old?

Mr. CONEY.—Under the new system. We count upon the feeling of our friends in assisting us. There is a necessity in the locality for a large school, and we do not see how the Privy Council or your Commission can go to the Educational Commissioners and say "It is likely that at a future date a certain Act of Parliament will come into force by which a distribution of the endowments will be made, and in the meantime you are not at liberty to discharge your duties."

1833. Rev. Dr. MOLLOY.—We don't go into that now, but we can insert in the scheme a clause to the effect that whatever amount of money is spent out of the common fund for your benefit, an equal amount must be handed over to the Roman Catholic body.

Mr. CONEY.—But you interfere with the Commissioners of Education in the ordinary discharge of their duties.

Mr. Justice O'BRIEN.—You are addressing us now on our legal power, which is a matter we deal with only with legal persons.

1834. Lord Justice FITZGIBBON.—We have no power to bring any of the provisions of our scheme into operation until it is finally approved of by the Lord Lieutenant. Our scheme has no effect whatever until it is sanctioned by the Lord Lieutenant, and then it takes effect as if it was an Act of Parliament of that date. We do not interfere with any duties of the Commissioners of Education pending the passing of the scheme, but we want to see that the terms and understanding on which we settled our scheme are faithfully and honestly carried out on both sides, and if the scheme proceeds on the basis that whatever the Protestants get, the Roman Catholics must get a similar amount, I don't think either side will have any cause of complaint.

Mr. CONEY.—In the meantime, may I not reasonably argue the necessity that exists at present for the action of the Commissioners of Education, and the reasons for approving instead of condemning them for acting as they have done, and as they were perfectly justified in doing? Am I not in turn in putting

forward the importance of maintaining this school in a proper state of efficiency—am I not right in pointing out the Commissioners could not avoid doing as they did, and that it would be a serious matter to deter them from doing full justice to the Portora school?

1835. Most Rev. Dr. DONNELLY.—We protest against this allotment of £650 as a breach of faith and an upsetting of the whole compromise. If such a principle be admitted, the whole thing must come to an end; and I appeal to the Commissioners to bear me out in saying that any delay or difficulty in carrying out the scheme arose from beginning to end in the action of the Educational Commissioners. We loyally accepted the first scheme. We gave the premises in this case over to the Protestant Local Board—we divided equally a percentage of the income and distributed the remainder in result fees. We agreed to all that cheerfully. We made no objection nor asked to have the scheme altered. We knew under whose influence it was altered. The whole endowment was to be equally divided, and there was a distinct understanding that the value of the premises was to be equally divided. Mr. CONEY has been saying a great deal of what the committee at Enniskillen were doing, and we were told what a grand school they were to have there; but when I see after all that was done, and after promising to pay us the £4,500, that they were only able to raise in Fermanagh £1,000, while we, the poor Catholics of the same district, are after laying out £5,000 and more since March, 1878, on our schools, I think we may claim also to have some real for education and to be fairly considered. I would remind the Commissioners that if anything in the past is to be repudiated, as some gentlemen do now, I may fairly say we would be justified in repudiating the whole agreement, because it could be fairly shown that we are not justly treated in this arrangement, though we never complained. We are two-thirds of the gross population of Fermanagh district. The census of 1881 shows the proportion of that population who can read and write. It is true we are the poorer party, but that is only a reason why we should get more than half in matters of education. The benefits of this endowment were long withheld from us, and we are entitled to restitution now. We have heard so often about this being a Protestant endowment, and we have had to exercise great patience listening to these statements, knowing, as we do, that there is not a penny of Protestant money in it, and that it is all derived from Catholics, that is, from the confiscated property of Catholic owners.

1836. Lord Justice FITZGIBBON.—Can we re-open this question?

Mr. Justice O'BRIEN.—That is going very far back, Dr. Donnelly.

1837. Lord Justice FITZGIBBON.—The question you raise about disturbing the compromise is the real one. You should understand thoroughly the limited nature of our jurisdiction. We cannot stop any proceeding of the Commissioners of Education. Nothing that we do can have any effect until our scheme becomes law. But we can secure that, when our scheme is settled it will be started, on the basis agreed on, and that if anything is done in the meantime to disturb that basis, it shall be restored by opening the way to the other side to be placed on an equal footing.

1838. Mr. Justice O'BRIEN.—In other words, of the £650 expended by the Commissioners of Education on the Portora buildings, what would you consider to be the extent of your right? Do you contend you are entitled to the whole, or only to £325, leaving the Protestants the other half?

Most Rev. Dr. DONNELLY.—If the Protestant Committee pay us £325 out of the £650, that is all we ask; if not, we ask for £650 also out of the endowment.

1839. Dr. TRAILL.—But don't you think some part of it is necessary to keep the place in repair, even for the War Office?

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Most Rev. Dr. Donnelly.—The buildings were estimated at £7,000, and now they are value for £7,500.
1880. Rev. Dr. MOLLOY (*to witness*).—Could you get us a report from Mr. Mitchell, your architect, as to the condition in which the buildings were in November, 1888?

Lord Justice FITZGERALD.—We have it ourselves. We have a valuation made at the time at which the offer was made for the buildings as they existed then.

1881. Rev. Dr. MOLLOY (*to witness*).—Do you get a report every year?

Witness.—Not every year, only when it was necessary.

1882. Did you get a report setting forth what was their condition in November, 1885?—I think Mr. Mitchell sent you a report.

1888. There was very little expended between 1886 and 1888?—I never asked him how much.

1884. Lord Justice FITZGERALD.—The date of the offer of the War Office was December, 1883. At that time, as the buildings then stood, the War Office offered £7,000 for them. Mr. Conroy was quite right in saying that if they chose they could back out of that offer; but they appeared all through desirous of obtaining possession. They actually sent their officer down twice, and ultimately asked us to put into the scheme a compulsory condition enabling them to take the place. But, in any case, the subsequent dealings, to which the Protestant Committee were parties, went on the assumption that the value of the buildings was to be taken as fixed at £7,000 by the War Office offer. It is indisputable that, during the delay that has taken place, and which would not have happened if the Portora people were left to themselves, even if the War Office took the buildings, the Commissioners of Education would be bound to keep them in the same state as when the offer was made. They would have no right to improve them, out of the common fund, or to build additions. What would it have cost to maintain them as they were? I think we have got the best possible evidence on that point. For the last five years during which the school was kept in ordinary repair as a school, from 1880 to 1884, the average annual expenditure, as stated in the Commissioners' Reports, was £174. During the succeeding five years, ending in 1889, it was only £67 8s. 11d. If you calculate the difference, you will find there was a sum, in round numbers, of £550 saved by not spending it upon repairs. We know that for those five years the place was not kept up as it ought to have been, but I cannot admit for an instant that, upon the understanding we came to in 1889, the Protestants have an exclusive claim to those savings, for they were included in the accumulations making up £4,200, which we then told the parties were to be divided equally between them. Speaking for myself, I don't care who the parties are. We have to deal with two parties who entered into an understanding before me, and I wish to see it faithfully carried out. A great delay has taken place since, for which the Enniskillen people are not answerable; and if the War Office proposal was still under consideration, the Commissioners of Education would be obliged to keep the place in the same condition, such as it was, in which it was when the War Office offered the £7,000, but they would have no right to do anything. It is not fair to take the five years during which they were letting the place go down, for Mr. Mitchell's report shows that it was going down during the whole of that time at a rate which would inevitably necessitate heavier expenditure now. On the other hand, they would not have to spend as much money in merely keeping the place up as Dr. Steele was expending between 1880 and 1884, £175 a year. I think it would be a fair estimate to say that £150 a year would represent the sum which would keep Portora on its legs in "War Office condition" until it was handed over to the purchaser. We ought to throw no obstacle in the

way of the Protestant Committee in starting their school; and in discharging our duty to make this school an educational centre, we are not making a demerit-national allotment of public money. It seems to me a fair solution of the whole question that we should take the date of the War Office offer, December 31, 1883, and from that date down to the time when the scheme comes into force allow a sum, for keeping the place in proper repair, of say £150 a year. If any more is spent on repairs, I say the Roman Catholics have an equal claim to be recompensed that sum, whatever it may be, pound for pound. I think if that is done it will work fairly. Bishop Donnelly seems disposed to meet the other side on fair terms. It will be gratifying to all parties to know that the sum of £3,301 cash, which we had to deal with in 1887, has now increased in 1889 to £4,431; and therefore they will have in the end, to be divided between them, more than they expected.

1885. Mr. Justice O'BRIEN.—I think the argument of Lord Justice FitzGibbon would absorb Dr. Donnelly out of his claim altogether.

Lord Justice FITZGERALD.—Certainly not.

1886. Mr. Justice O'BRIEN.—I cannot understand, they having by their own act shown what they considered to be a necessary expenditure by expending a certain sum for five years past, on what principle of reason we are now to come to the conclusion that the Commissioners of Education ought to expend £150 yearly on repairs.

1887. Lord Justice FITZGERALD.—The allowance, with the limitation I propose, would begin from 1889, in which year there was an expenditure of over £50, for which credit should in any case be given.

Most Rev. Dr. Donnelly.—I think we should not date the £150 from 1888, but from the date when the Protestant Committee agreed to give the £3,500.

1888. Lord Justice FITZGERALD.—That would be 1889.

Most Rev. Dr. Donnelly.—But you were dating it from the date of the War Office proposal.

1889. Lord Justice FITZGERALD.—That was in the end of 1888. We are now debating about only the small sum spent in 1889, £50 or £60, and, as it is manifest from Mr. Mitchell's letter that the place was allowed to run down seriously in 1889, it strikes me as only fair that it should be put back to the same state in which it was in December, 1888, when the War Office offer was made. Dr. Molloy is very good at figures, perhaps he will say what he thinks about it.

1840. Rev. Dr. MOLLOY.—My view of the matter substantially coincides with Lord Justice FitzGibbon's. The War Department offered £7,000 for the buildings as they were in 1888; they were entitled under that offer to claim that the buildings should be given up to them in as good repair as they were in at the time when the offer was made; but they were not entitled to get them in better condition. Therefore it seems to me that such expenditure should be made from time to time as might be necessary to keep them in substantial repair. But any money spent on the improvement of the buildings or premises should be regarded as so much taken from the common fund for the benefit of the Protestant Board, and an equal amount should be handed over to the Catholic Board. I think £150 a year is a large sum to spend on repairs; but that is a matter of detail. A reasonable sum can be easily fixed. When that sum is agreed on, it should be deducted from £550; and whatever the remainder may be, the Catholic Board should get an equal amount from the common fund. I calculate it should be about £350 or £400.

Lord Justice FITZGERALD.—They will get £1 for £1 on anything more that is expended at any time from this out until the scheme comes into operation.

Rev. Dr. MOLLOY.—I think it would be a great matter if we could now agree to the principle on which this small dispute is to be settled, and then

we could look forward to see the scheme in which so many are interested, after being three times before the Privy Council, at last coming into operation.

Rev. Mr. O'NEILL.—Suppose that this money is added in the way you propose, where is it to come from?

1841. Lord Justice Fitzgerald.—It is in the bank, £4,400 cash balance on 31st December, 1889, and £2,318 Government Stock. The Endowment is worth any other two put together. The proposal which we made originally as to the allocation of part of the endowment by results was struck out by the Privy Council, and now the whole Endowment endowment is to be divided half and half within the Fermanagh district; and if there are any two people ought not to complain, I think they are the two Bishops of Clough.

1842. Dr. TRAILL.—I think it most desirable that the matter should be now settled. I think the suggestion which Lord Justice Fitzgerald threw out would be a fair solution, and I think it is a basis that the Protestants ought to accept. Bishop Donnelly insists on £7,000 being the value of the premises when the offer of purchase was made, and he says that now the value has been increased by this expenditure of £650 by the Commissioners of Education. There has been a great misconception in the minds of those who say that the Commissioners of Education were taking that sum out of the surplus. They are not. I think the proposition made by Lord Justice Fitzgerald is a fair solution of the whole thing—to take what was the average expense of keeping the place in repair from 1880 to 1884, and also from that to 1889. It is not a matter of much importance one way or another, but I think we should all accept a reasonable compromise. I say if £150 was spent in 1885, and another £150 in 1889, that would make £300; and then, if the Commissioners spent £48 in 1890, that should be deducted, and it would leave £250. That taken from £650 would leave £400, and then the Roman Catholics should get an equal sum—£400. That would be the lowest figure they ought to be asked to accept; but I think it would be wise to accept it.

Most Rev. Dr. Donnelly.—Is it against £650 to take £400?

1843. Dr. TRAILL.—Not against the £650, but from the expenditure the Commissioners had to take out of it. When they were keeping it in a state of starvation they did not expend that on it. In that year they did not expend £48, but the next year they did.

Most Rev. Dr. Donnelly.—I would count the figures differently. We were to be paid £3,500 for the school premises. The bargain was made about a year ago—not quite.

1844. Dr. TRAILL.—It was in May, 1889.

Most Rev. Dr. Donnelly.—Then, as Lord Justice Fitzgerald said, there would be £150 expended for this year, but there were £48 to be counted against that.

1845. Lord Justice Fitzgerald.—That was last year.

Most Rev. Dr. Donnelly.—It seems to me that should be deducted.

1846. Lord Justice Fitzgerald.—So it is.

Most Rev. Dr. Donnelly.—That would leave it £100.

1847. Lord Justice Fitzgerald.—Quite so.

Most Rev. Dr. Donnelly.—Allow it £100 for this year.

1848. Lord Justice Fitzgerald.—The £48 is paid out of the common fund as a right payment, and that is gone. The terms upon which I propose that the matter shall be settled will be these.—The scheme will provide that, immediately on the scheme coming into force, and on the Protestant Board being put into possession of the premises, the Commissioners of Education shall ascertain what the expenditure on the

buildings has been from December 31, 1888, to the date of the scheme; deduct the normal expenditure for repairs, and whatever excess has been spent shall be treated as expended on improvements, and an equal sum shall be added out of the common fund to the Roman Catholic share. During the five years Dr. Steele was there the average expenditure was £174. During the five years it was allowed to run down it was £17. If we take the average of the ten years, we will have five years during which it was running down and five years of ordinary expenses, and the figure is £150 a year. The fair allowance could not possibly be less than that.

Dr. TRAILL.—You reduce the average by adding the five bad years to it.

Mr. Justice O'NEILL.—And on the other hand you increase the average by adding the five good years to it.

1849. Rev. Dr. MOLLOY.—After the year 1888, when the buildings were in a state of dilapidation, the expenditure necessary to keep them in that state ought not to be very great.

Lord Justice Fitzgerald.—I don't think so. "A stitch in time saves nine."

Rev. Mr. O'NEILL.—It would not be fair to take the last five years into consideration.

1850. Mr. Justice O'NEILL.—I had not the advantage of seeing this place, but I have had an opportunity of looking at the contract, and I do think it desirable that a specific sum should be named and put into this amended scheme, rather than leave the matter to the calculation of the Commissioners of Education, who took so large a view of the principles on which they ought to act. For, having determined that they were bound to keep the buildings in the same state of repair as when the offer of the War Office was made, they afterwards altered this amount, and directed an expenditure to take place for whatever repairs were necessary. My view is that it should be ascertained on the actual expenditure itself.

Mr. Cooney.—Would you take into consideration the altered arrangements and circumstances of the school?

1851. Lord Justice Fitzgerald.—We cannot. The arrangement made was that you were to get the place in the same state in which the War Office was willing to take them, and at that time no one anticipated that any other arrangement would be made. You would have been obliged to take them in the same condition as when you made the offer.

Mr. Cooney.—We don't like to repudiate this agreement; but we were pushed very hard and everything was made difficult for us.

1852. Lord Justice Fitzgerald.—You were; but we gave you what you demanded.

Mr. Cooney.—We are not in possession at all.

Mr. Justice O'NEILL.—Not legally, but virtually you are; for all this expenditure took place before the time came to determine whether you should go into possession at all.

1853. Rev. Dr. MOLLOY.—If your committee had not come to us and proposed this arrangement by which you have a right of pre-emption, the clause directing the building to be sold to the War Office would have remained in the scheme. The charge was made at your request and for your benefit; and nothing that has since occurred can entitle you to get better terms now than what were then arranged.

Mr. Cooney.—I only mention the fact that we are not in possession.

1854. Rev. Mr. O'NEILL.—Might I make a very serious. Seeing that there is this difficulty, and that there is a large sum available—an increase from £6,200 to £7,403—why is it necessary that we should be pressed about this £1,000. Would it not be better to allow that to go in repairs and equipment?

Dec 3, 1890.

Dec. 3, 1895.

1855. Mr. Justice O'BRIEN.—No; you made a bargain to buy it, and you want to get out of that like the other.

Rev. Mr. Owsden.—No, we do not; but I think it is a hard case to press our community so much. We find it very hard to raise such an amount. I myself gave £10, and Mr. Cooney gave £100; but we have been sorely pressed to raise subscriptions. It is a hard case, too, to have to spend a large sum of money on equipping the place when there is lots of money in bank.

1856. Mr. Justice O'BRIEN.—You are in the position of a tenant not wishing to pay his rent; but what is the landlord to do on the other side?

Rev. Mr. MOLLOY.—Your proposition is not tenable. This £1,000 would not be in the case at all only for the decision of the Privy Council on your own application.

Rev. Mr. Owsden.—As the best I could get.

1857. Lord Justice FRIGGSON.—Although it was the best you could get, you don't want to back out of the bargain now?

Rev. Mr. Owsden.—No, we do not.

1858. Lord Justice FRIGGSON.—If we can now get rid of this difficulty about the repairs, you will get back the £680 in bank on deposit receipt, and you will have the subscriptions already got.

Rev. Mr. Owsden.—Though the money has been collected, we get no advantage at all from it.

1859. Lord Justice FRIGGSON.—Yes you do. If we were to put this £1,000 out of the scheme, we would be obliged to charge you 4 per cent interest upon £5,500 instead of upon £2,500.

Mr. Cooney.—Would the bishop have any objection, supposing we increased the sum for expenditure, and got such further sum as would be necessary to put the place in order on the same conditions as you lay down now?

1860. Lord Justice FRIGGSON.—Under my proposal you may spend as much money as you can get from the Commissioners of Education, only subject to this, that Dr. Donnelly will get £1 for every £1 you spend beyond the £150 a year.

Mr. Cooney.—Upon the excess?

Lord Justice FRIGGSON.—Yes.

1861. Mr. Justice O'BRIEN.—It would be extraordinary that you should go on spending the fund that is ultimately to be divided. You may spend as much of your own money as you like, but not Dr. Donnelly's.

Dr. TRAILL.—Suppose you want to spend £500, then Dr. Donnelly will get £500 also out of the excess, and I am sure he will be satisfied, and everyone will be satisfied.

1862. Rev. Mr. *Moore-Foster*.—Although representing the Protestant Local Board of Education, I may say that I am utterly opposed to anything except a fair settlement. I was struck by the justice of Lord Justice FRIGGSON's remarks with regard to the annual expenditure, and in hearing from Dr. Traill of the increase of the fund. I suppose now, the matter in dispute being £650, that the half of that be expended, bearing in mind that they got £600 more now than when the £7,000 was offered. Take the £7,000 as the value of the premises, there was £3,200 in accumulation, and £1,200 was since added. Therefore I say let the half of the £1,200 be divided—£600 going to each party.

1863. Lord Justice FRIGGSON.—That is what will happen, to the extent to which the money may be spent; but it would not be possible, nor enough, merely to divide the existing money. Our scheme has no force until it is finally approved of by the Lord Lieutenant in Council, possibly a year hence, and we would only run the risk of having it again sent back if we did not put in some clause that will protect the accruing rights of each party. The only practical way of doing that is by putting in a provision by which a calculation such as I have suggested will be made, and then each party will get the same sum of

money that they would get if the place was handed over for £7,000 to the Protestant Committee or to the War Office, plus half the savings in the meantime.

Mr. Justice O'BRIEN.—The scheme will come into force in a few months, and would it not be better to determine the sum of money, and not leave it open?

1864. Mr. Cooney.—Will they take the £150 as suggested?

Rev. Dr. MOLLOY.—No, £120.

1865. Archbishop SWELLEN.—I attended all the meetings we had in trying to come to an arrangement over these matters, and the agreement arrived at was afterwards repudiated, but not by us. Let them have Portora, and give us the value of it, and put an end to the whole thing.

Rev. Mr. Owsden.—I heard the archbishop, I think, say £120; but I think the sum mentioned before was £160.

Mr. Justice O'BRIEN.—But £48 was taken out of that.

1866. Lord Justice FRIGGSON.—You are really fighting about a few pounds where there are hundreds concerned. I saw the place, and I don't believe that an outlay of £48 8s. 8d. represents anything like the duty of these Commissioners in 1839. How the sum spent was so small I cannot tell. They were bound to keep the place in the same state of repair as when the offer was made, and that could not be done for £48 or anything like it. I think the fair solution of the whole thing will be to go back to the offer of the War Office, and make a calculation from January, 1838; and taking it from that date, I think £150 would be fair enough. Remember it comes out of a common fund, so only half the difference is involved in your discussion.

Rev. Mr. Owsden.—I would not fight about it at all.

1867. Lord Justice FRIGGSON.—Suppose you succeed in getting the place over on the 1st of April next, there will be two and a quarter years involved. Two years and a quarter at £120 a year is £270. About £50 was spent in 1839, and say £250 this year, and if there be a further expenditure of £100 between this and the time they get possession—

Rev. Mr. Owsden.—Say £200.

1868. Lord Justice FRIGGSON.—Very well, add these figures together, and they make an actual expenditure of £900. £270 of that you get credit for, and that leaves £630 for Dr. Donnelly.

Dr. TRAILL.—You should not both charge the £45, and reduce the allowance to £120.

Mr. Cooney.—Allow £150.

1869. Rev. Dr. MOLLOY.—If you take the average of ten years, it would be £150 a year.

Rev. Mr. Owsden.—That is adding five average years and five years which are below the average.

Professor DOUGHERTY.—The difference is a large toll.

1870. Mr. Justice O'BRIEN.—You want all the fat and no lean. We are taking the fat and the lean together.

Rev. Mr. Owsden.—You are taking the milked animal and the starved animal.

1871. Lord Justice FRIGGSON.—Understand what you are fighting about. The whole difference between you, if I take £160 as the allowance, is £97 10s. of which £23 15s. will fall upon each of you.

Mr. Cooney.—It is a small thing.

1872. Rev. Dr. MOLLOY.—I want to show that my proposition is an equitable one. The offer made by the War Office was made at the end of 1838—that was at the end of four bad years, at a time when there was a small expenditure; and we are taking five good years with that.

Lord Justice FRIGGSON.—Judge O'Brien is going to the Winter Assizes to-morrow, and unless we are in a position to draft this at once it will delay the matter for months.

Most Rev. Dr. Donnelly.—I willingly acquiesce in what the Lord Justice says.

Rev. Mr. Ovensen.—I don't think £150 is an excessive expenditure on such a place.

1875. Dr. TRAILL.—I take Dr. Molloy as agreeing to accept the £150.

Rev. Dr. Molloy.—I did not accept the £150. I accepted the principle, but not the figure.

Mr. Cooney.—Would it not be better to settle it that way?

1876. Mr. Justice O'BRIEN.—I do not agree with you at all.

Rev. Mr. Ovensen.—I am perfectly satisfied to leave it to your lordships if you will settle it among yourselves.

1875. Lord Justice FRIGGESSON.—You have been dealing with one another all along on good terms, and we will take care there is no backing out of the bargain. But really, in a matter of a few pounds, it is far better to settle it in advance.

1876. Rev. Dr. Molloy.—We will all abide by what the Judges decide.

Mr. Justice O'BRIEN.—Yes; but I would like to know what the sum at present in hand is before any division takes place.

1877. Lord Justice FRIGGESSON.—Substantially the amount to credit of Enniskillen, December 31, 1889, was £7,400, and it is more now. The scheme provides that Dr. Donnelly is to get one-half of that and the Protestants the other half; but the Protestants are to hypothecate £3,500 to bear interest at four per cent., which is to go to Bishop Donnelly.

Dr. TRAILL.—If you take £109 for 1889, and then £150 for 1890—that is £350—subtract that out of the £330, and give Dr. Donnelly £400.

1878. Lord Justice FRIGGESSON.—I will not do that. It would leave the same trouble to come up again. No matter what figure you fix, it would be on the assumption that the place would be handed over at some fixed date, and that the expenditure in the meantime should be fixed.

Dr. TRAILL.—What I meant was that Dr. Donnelly should get £400.

1879. Rev. Dr. Molloy.—Your calculation would be £125 a year.

Dr. TRAILL.—Yes; and take 248 off the first year.

Mr. Cooney.—Might we go back to the original proposition and take the £150?

Dr. TRAILL.—I think that is fair.

1880. Lord Justice FRIGGESSON.—Let us work out what it will be at £150. You must allow £337 10s. for 24 years normal expenditure. Then, if your actual expenditure is £900, Dr. Donnelly's claim will be £562 10s.

Mr. Justice O'BRIEN.—Take £230 from that.

1881. Lord Justice FRIGGESSON.—For what?

Mr. Justice O'BRIEN.—For further expenditure.

1882. Lord Justice FRIGGESSON.—But I have put all expenditure in already.

Mr. Justice O'BRIEN.—Does it entitle him to £562 10s. of the corpus of the fund existing?

1883. Lord Justice FRIGGESSON.—Yes, and more, if they spend more than £900.

Dr. TRAILL.—We all think there ought to be more expenditure.

Mr. Justice O'BRIEN.—I am not sure of that.

Mr. Cooney.—Suppose we refused to take this and went to the Privy Council, what would the result be?

1884. Mr. Justice O'BRIEN.—According to my view the Commissioners entertain a very different view of their own power.

Rev. Mr. Ovensen.—I go in for agreeing to what your lordships said, and let the matter be settled now.

1885. Lord Justice FRIGGESSON.—Very well. Understand now that, no matter what is spent by the Protestants, the proper expenditure for repairs is fixed at the rate of £150 a year; and you must remember that Dr. Donnelly will get paid for pound for every-

thing spent over that amount. If any expenditure takes place beyond the amount agreed upon, he will be entitled to an equivalent amount for the sum so expended.

1886. Mr. Justice O'BRIEN.—It occurs to me that all this expenditure by this body must be stopped, for I consider they have no power whatever to do it. At all events, some provision must be made against further expenditure. What is the use of telling Dr. Donnelly that the Commissioners may spend £2,400, when you reduce his right by £1,000?

1887. Lord Justice FRIGGESSON.—I don't reduce it at all. This is a common fund which belongs half to Dr. Donnelly and half to the Protestants, and the effect of this proposal is to throw on the Protestants all expenditure above £150 a year.

Rev. Mr. Ovensen.—Then it is our interest to expend as little as possible in future?

1888. Lord Justice FRIGGESSON.—The common fund will be spent by the Commissioners of Education, whereas what the Protestants spend themselves will be spent out of their own pocket, and under the supervision of their own architect.

Rev. Dr. Moore Morrym.—Is it understood that this arrangement will fix the minimum of expenditure until the scheme passes?

Lord Justice FRIGGESSON.—We have no power to do that.

1889. Rev. Dr. Moore Morrym.—What force will it have then?

Lord Justice FRIGGESSON.—It will adjust the expenditure when it comes into force. Immediately on the Commissioners handing over the premises to the Protestant Board, they will ascertain what sum has been expended from January 1, 1889, to the date of the scheme, and after allowing credits for the £150 a year for ordinary repairs, they will set apart from the Protestant fund and add to the separate credit of the Roman Catholic building fund an equal amount to what is spent beyond the £150.

1890. Mr. Justice O'BRIEN.—I understood we were to name in the amended scheme the sum Dr. Donnelly is entitled to?

Lord Justice FRIGGESSON.—That is not necessary.

Most Rev. Dr. Donnelly.—Suppose the Commissioners of Education were anxious to spend this fund—

1891. Lord Justice FRIGGESSON.—We cannot stop them; but they are not likely to do it.

Mr. Justice O'BRIEN.—I think you may assume that. They have got credit for what they have done; but it is not likely they will go further.

Rev. Dr. Moore Morrym.—If this clause is made for Enniskillen, will a similar provision be made for other places?

1892. Lord Justice FRIGGESSON.—No; the necessity has not arisen.

Rev. Dr. Moore Morrym.—It might arise though.

Lord Justice FRIGGESSON.—It might.

Rev. Dr. Moore Morrym.—There has been scarcely any expenditure on the Armagh school.

1893. Dr. TRAILL.—Are they starving you too?

Rev. Dr. Moore Morrym.—Yes.

1894. Lord Justice FRIGGESSON.—I can only recommend you to try and get the scheme into force as soon as you can.

Most Rev. Dr. Donnelly.—Suppose the Commissioners of Education should contemplate a further expenditure?

1895. Lord Justice FRIGGESSON.—Mr. McDowell states that there is no expenditure whatever contemplated on any other school.

1896. Mr. Justice O'BRIEN.—When do you expect to have Portlaoine school open?

Rev. Mr. Ovensen.—In February. The fact is that the Examination Hall was allowed to get into a state of dilapidation with the consent of the Commissioners. We want the examination hall as the principal schoolroom, and it is a serious hitch to us.

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1897. Dr. TRAILL.—Dr. Donnelly has no objection to your expenditure of £150 now; and if you spend more, you will give the same sum to him.

Rev. Mr. O'NEEDEN.—It would be more convenient for us to spend it and put the place in order now, and that is why we want you to say you have no objection to the Commissioners putting the school in proper order.

1898. Rev. Dr. MOLLOY.—You deserve great credit for the exertions you have made; but you have not done justice to us in saying it was we put the burden upon you.

Rev. Mr. O'NEEDEN.—No.

Rev. Dr. MOORE MORGAN.—I may mention that, in reference to the provision made for Armagh school before the Privy Council, it was seriously discussed whether an objection should not be lodged.

Dr. TRAILL.—The best thing you can do is to throw your lot in favour of Enniskillen school.

1899. Rev. Dr. MOLLOY.—What do you want?

Rev. Dr. MOORE MORGAN.—I am merely asking that, if this provision is inserted for Enniskillen, could not a similar one be put in for the others?

1900. Lord Justice FITZGERSON.—We are only dealing with the exceptional expenditure on Portora from this until the time the provision comes into force. We do not anticipate anything like that elsewhere. What would you like?

Rev. Dr. MOORE MORGAN.—Some equivalent security for local boards in other places as against dissipation.

1901. Rev. Dr. MOLLOY.—The position of Portora is quite different from yours. We find that £650 has been expended on the buildings for the benefit of the

Protestant Board; and what we have now agreed to is that, for all expenditure beyond necessary repairs, Dr. Donnelly's Board is to get an equivalent from the common fund. Can you not apply to the Commissioners of Education?

Lord Justice FITZGERSON.—They may spend on your place the same amount of money which the principle of this arrangement holds them entitled to expend at Portora, namely, a sum sufficient to maintain the buildings in a proper condition.

1902. Rev. Dr. MOORE MORGAN.—You are reciting that the Commissioners ought to spend £150 at Portora?

Lord Justice FITZGERSON.—We are.

Rev. Dr. MOLLOY.—Ought not to spend more.

Rev. Dr. MOORE MORGAN.—And ought you not say the same with regard to other places?

1903. Lord Justice FITZGERSON.—We have no power. Remember the letters and reports that were written and read to us—that Armagh and Dungannon were being kept in good order, but that Enniskillen was not.

Rev. Mr. O'NEEDEN.—As chairman of the Fermanagh Committee, I would like before we separate to express our thanks to the Commissioners for the very great courtesy with which they always treated us.

1904. Lord Justice FITZGERSON.—We are very much obliged. We always try to meet the views of everyone as best we can.

Most Rev. Dr. DONNELLY.—For my part, I may say that I am sorry we have given the Commissioners so much trouble.

The proceedings terminated.

Dec. 5, 1891.

PUBLIC SITTING—THURSDAY, JANUARY 8, 1891.

At the County Antiquary Court-house, Belfast.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.T.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

* SCHEME No. 43—RAINEY'S SCHOOL AND THE SALTERS ENDOWMENT, MAGHERAFELT.

Remitted by Resolution of Parliament.

Mr. J. J. SHAW, Q.C., appeared for the Education Committee of the General Assembly of the Presbyterian Church in Ireland.

The Rev. Dr. JORDAN appeared as Incumbent of Magherafelt, and also as representing the Most Rev. Dr. HAZZ, Lord Archbishop of Armagh.

The Rev. Dr. WILSON appeared as representing the Presbytery of Tyrone.

Lord Justice FITZGERSON made an introductory statement.

1905. Mr. SHAW, Q.C.—The resolution of the House of Commons was passed in consequence of a petition presented to the House under the Act by the General Assembly. The ground of that petition was, that where the great bulk of the endowment came from a Presbyterian source it was only fair and only following the precedents set by the Commission in settling other schemes, that a substantial majority on the governing Board should be given to the body from which the endowment came. The spirit of the founder's

intention is the dominating element. In this case Raine's intention, as gathered from his will, undoubtedly was that the school should be under Presbyterian control, both as to the appointment of masters and religious instruction. The men who were to take charge of the school were to be appointed by the Presbytery of Ulster.

1906. Mr. Justice O'BRIEN.—You put forward the larger claim of Mr. Bentoul, and not merely the more limited contention of Mr. Russell. You go for a

* See Appendix B, No. VI., pp. 598-600. See also HAZZARD'S *Parliamentary Debates*, Vol. cxxix., Dec. 4, 1890, pp. 628-640.
† Appendix B, No. VI. (a), p. 595.

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MR. STONE.

majority of governors as well as for the chairman-ship?

Mr. Stone.—I think there is some mistake about Mr. Russell's speech. He put the case on a much wider ground than is represented. The original endowment was Presbyterian. The Judicial Commissioners stated in their observations on the objections to the Scheme, that if the Raine Endowment alone was to be dealt with according to the intention of the founder, they would have considered it their duty to place the institution under Presbyterian management.

1907. Lord Justice FRYGROVE.—Yes, if Raine's Endowment stood alone, and but for the history of the school.

Mr. Stone.—The present school was undoubtedly built by the Salters Company, but they took over as against that the old school-house and a farm of 20 acres.

1908. Lord Justice FRYGROVE.—With regard to that we got no evidence to displace what appears in the Chancery Report of 1862, that the old school-house was dilapidated, that the farm was held at a high rent, and that the tenant was under notice to quit. The statement made in Magherafelt that the Salters Company got value for erecting the new school-house was not supported by any evidence.

Mr. Stone.—I am not at all to be taken as saying that the Salters Company acted in a mean spirit, or paid themselves for building the school. It is a matter of little importance, because what the Salters Company did was in the interests of their estate, and their tenants are as much Presbyterian as Episcopalian. We are quite willing to let what was done by the Salters Company represent an endowment given in equal shares for the Protestant Episcopals and Presbyterians; and therefore anything done by the Company may be left out of the question. Their money is balanced between the two bodies.

1909. Lord Justice FRYGROVE.—The Chancery scheme first put the place under the Primate's management, before that he was a mere trustee of the property. He was bound by the trusts of Raine's will. The Salters Company were parties to the transaction in Chancery by which the management of the school, the appointment of the master, and the exclusive control of religious instruction, were given to the Primate, and therefore it occurred to my brother Naish and myself that we must treat the Salters Company as having given their endowment on the terms of the Chancery scheme which made it to that extent an exclusively Church school.

Mr. Stone.—There was nothing in the scheme which deprived the Presbyterians of the benefit of the school.

1910. Lord Justice FRYGROVE.—Certainly not, but they were deprived of the management.

Mr. Stone.—By the Act of George II. the management was vested in the Archbishop of Armagh, or rather the Archbishop was a conduit pipe to hand over the funds to the people entitled to them. That power was vested in him because he was the person who then held a legal succession in the North of Ireland, a Presbyterian or Presbyterian minister had no legal succession. He was a man of great influence and was put into that Act of Parliament as a person who could hold the trust fund without any necessity for resorting to a court to appoint trustees on his death. But the Archbishop was to hold the property exclusively upon the trusts of Raine's will, and these trusts were not touched by the Act of Parliament in the slightest degree. The Chancery scheme of January 31, 1863, undoubtedly gave the Archbishop a totally different situation. It was wholly against the spirit of Raine's will, and the whole principle of the endowment. Under the old will there were trustees and managers of the school. The family died out about 1848. The Primate was at that time the sole official trustee, he then undertook to manage this derelict property, and

he did so until 1863. In 1863 with the concurrence of the Salters Company, the Court of Chancery placed the sole direction and control of the school in the hands of the Primate.

1911. Mr. Justice O'BRIEN.—On whose petition was the Chancery scheme framed?

Professor DOWNHILL.—The people of Magherafelt heard nothing of the matter until the scheme was settled.

Mr. Stone.—Undoubtedly a very great injustice was done by that scheme; the Archbishop of Armagh was given the actual control over the administration of the funds, which up to that time he had not at all.

1912. Lord Justice FRYGROVE.—The result was also much affected by the fact that the family of Raine had become Church people even before the Act of Parliament. But for that I cannot conceive how this thing was done. The will directed the executors to apply for an Act of Parliament.

Professor DOWNHILL.—We had evidence that Raine's son-in-law, Asha, who was one of the executors, was always a Churchman.

1913. Lord Justice FRYGROVE.—The petition in Chancery to confirm the scheme was presented by the Primate and the rector, and Master Littin's report stated that the scheme was settled in presence of counsel and solicitors for the petitioners, no other party having appeared before him, although notice was duly served on the Attorney-General and the Commissioners of Charitable Donations and Bequests.

Mr. Stone.—It was perfectly clear that it was done in the absence of anybody who represented the interests of the people of Magherafelt; and undoubtedly the result of giving the Archbishop control over the school was very disastrous, because Mr. Kincaid has stated that if a Presbyterian master had been appointed the school would have been a very great success.

1914. Mr. Justice O'BRIEN.—When was Mr. Kincaid appointed?

Mr. Stone.—In 1865, shortly after the scheme was drawn up.

1915. Mr. Justice O'BRIEN.—The school appears to have gone down from thirty-six in 1883 to thirteen in 1890.

Dr. TRAILL.—That was since we began to touch it.

Mr. Stone.—The endowment as it stands now consists of two parts; first what was contributed by Raine—as old Presbyterian elder in Magherafelt—£141 a year, a substantial part of the endowment. Then the schoolhouse built by the Salters Company, and its contribution of £66 a year, avowedly contributed by the Salters Company as a satisfaction of the claims upon the Company for the educational requirements of all the Protestant denominations. We may fairly take what has been given by the Salters Company as a common endowment for all the Protestants of the neighbourhood, who are, roughly speaking, half and half.

1916. Mr. Justice O'BRIEN.—This Salters contribution was taken to have leavened the endowment with a purely Church element?

Mr. Stone.—No; it prevented it being exclusively Presbyterian.

1917. Lord Justice FRYGROVE.—The Court of Chancery formed an exclusively Church scheme, and the Salters Company were parties to that.

Rev. Dr. MOTT.—There is no doubt that their present intention is, that £66 a year shall be applied for the benefit of all the Protestant denominations.

*1918. Lord Justice FRYGROVE.—We had a "long correspondence with the Company, in which we tried to find out what they meant by "for all denominations," and all we could ascertain was that they meant to place the school under a Governing Body upon which they would not say there should be any Roman Catholics, and upon which they would not say there should be more than two or three Presbyterians.

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Mr. Shaw.

Mr. Justice O'BRIEN.—The endowment was intended for the benefit of the tenaris.

Mr. Shaw.—Undoubtedly, the Judicial Commissioners, Lord Justice FitzGibbon and Walsh, say that notwithstanding the Chancery scheme, if they had now to deal with Kaine's endowment only, they would set aside the Chancery scheme altogether and put this endowment under exclusively Presbyterian management. Therefore we may take it now that this £161 represents an exclusively Presbyterian endowment, and that the remainder of the endowment, £66 a year, with the school buildings, represents an endowment which is applicable to the educational requirements both of Episcopalians and Presbyterians. Now the body that I represent have agreed to a perfectly fair arrangement: that there should be done in this case what has been done in nearly every case of Protestant Educational Endowments throughout the North of Ireland—that there should be one common school for Presbyterians and Episcopalians in the town of Magherafelt, and that it should be under the management of a Joint Board on which the various interests shall be fairly represented: but so every one of these mixed Boards that has been hitherto constituted, as far as I know, there has been a distinct preponderance given to one or other of the denominations according to the character of the endowment.

1910. Lord Justice FitzGibbon.—There is one other remarkable case of equality in Dublin, that of Bertrand's School.

Mr. Shaw.—Yes—but the testator in that case had appointed two Presbyterian ministers and two rectors of parishes.

Lord Justice FitzGibbon.—And the Presbyterians had been reduced by a Chancery scheme to two out of seven.

1910. Mr. Justice O'BRIEN.—You seem to point to leaving the body of Governors as it is in the scheme, but giving the Chairmanship to a Presbyterian.

Mr. Shaw.—No, I respectfully suggest that the Commissioners should follow the precedents set in forming all the other mixed Protestant Boards in the North of Ireland, and give a distinct preponderance to one denomination.

1911. Mr. Justice O'BRIEN.—Hasn't that usually been secured by giving the chairmanship to one or other of the denominations?

Mr. Shaw.—No, in the case of Armagh Royal School, the Board is constituted five to four, in some cases there is a Presbyterian majority, and in other cases an Episcopalian majority.

1912. Mr. Justice O'BRIEN.—What do you take to be the basis—the intention of the founder, or the population, or the attendance at the school?

Mr. Shaw.—In the case of the Royal schools where the endowment was applicable to the education of Protestants of all denominations, in that case they had no basis to go upon, of a division of the endowment.

1913. Dr. TRAILL.—Yes, the basis was the likeable population of the district.

Mr. Shaw.—It was not a basis of contribution, or of one body having contributed more to the endowment than another; but here you have an endowment, originally for exclusively Presbyterian purposes, or at least over which Presbyterians had exclusive control. That endowment remains by far the largest part of all you have to deal with.

1914. Mr. Justice O'BRIEN.—Supposing the largest body of subscribers came from the Church of Ireland community; would you contend that the preponderance of the original endowment should remain unchangeable, and not affected by the subscriptions at all?

Mr. Shaw.—No, we don't quarrel with that portion of the scheme.

1915. Rev. Dr. MOLLOY.—What proportions would you propose?

Mr. Shaw.—We propose as the equitable basis the actual proportion in which the endowment has been contributed.

1916. Rev. Dr. MOLLOY.—How do you estimate that?

Mr. Shaw.—I take £161 a year as exclusively a contribution from the Presbyterians. I take £66 a year from the Salters' Company as divisible half and half, and the school-house as belonging equally to both.

1917. Dr. TRAILL.—That is hardly fair; because when the Salters' Company first gave their endowment of £180 a year to Kaine's School they gave it under the Chancery scheme by which the governing body was made entirely Episcopalian.

Mr. Shaw.—Undoubtedly.

1918. Dr. TRAILL.—The £66 they give now is part of that and a very shabby part of it. They have divided their endowment among other denominations, but the £66 was given on the same basis as the £180.

Professor DOUGHERTY.—Their recent dealings show that they intend the Protestant endowment to be divided equally between the Protestant denominations.

Mr. Shaw.—They are giving half of the endowment originally given to the Church school to the Roman Catholics, which shows clearly that the new endowment is not on the same basis as the old. The subscription to the Roman Catholic body is given on a totally new basis. The Salters' Company are giving £150 a year for educational purposes in Magherafelt. £64 of that is to represent Roman Catholic interests, and £86 the interests of Protestants.

1919. Dr. TRAILL.—I contend that the £66 is given in the interests of Protestants; and you are not to say that £53 is for Presbyterians, and £13 for the Church of Ireland, leaving out Quakers, Methodists, and others.

Mr. Shaw.—You may divide it in any way you like.

Dr. TRAILL.—No; I won't divide it at all. That is what I refuse to do, and I think the Salters' Company also refused it.

1910. Mr. Justice O'BRIEN.—What do you say to the chairmanship of the Primate; do you wish to get rid of him?

Mr. Shaw.—I think it would be an ungracious thing to deprive the Archbishop of the chairmanship; and I am not inclined to make any point of that at all. We are perfectly willing that the present Primate, who is a gentleman, we all respect, should continue to occupy the position of chairman of the board.

1911. Professor DOUGHERTY.—But you would like a working majority?

Mr. Shaw.—Yes.

*1913. Rev. Dr. MOLLOY.—I find *Mr. Bentel, in the House of Commons, estimated that the Presbyterians are to the Episcopians in the proportion of seven to five, and with that proportion of representation he said they would be content. Are you prepared to say that for your clients here to-day?

Mr. Shaw.—We claim a little more; we go upon the basis of the money contribution to the endowment.

1915. Rev. Dr. MOLLOY.—That was a distinct statement made on your behalf in the House of Commons.

Mr. Shaw.—We are not responsible in any way for what any member of the House of Commons may say.

1914. Lord Justice FitzGibbon.—This scheme comes back to us with a perfectly vague resolution of the House of Commons, and a minute from the Castle in which we are referred to the "report in Hansard. We must come to some practical conclusion, and though we must do something to satisfy the House of Commons, we must take care that we don't dissatisfy the House of Lords, for either House can pass a resolution disapproving of any of our schemes.

Dr. TRAILL.—If you have a working majority, you need not run it beyond what the House of Commons asks.

1935. Rev. Dr. MOLLOY.—I think it would be wise to accept the statement made on your behalf by Dr. Beal.

Mr. Shaw.—I don't think twelve a good number for the committee.

1936. Lord Justice FITZGERALD.—I don't see how we could put twelve denominational members on this body at all. You don't quarrel with the representation of subscribers, the amount of endowments available will not keep the school up as it was, and therefore, we must encourage subscriptions. I should be sorry to in any way diminish the power of subscribers.

Mr. Shaw.—We don't want that done at all, we don't quarrel with the representation of subscribers.

1937. Lord Justice FITZGERALD.—Therefore, we cannot have twelve on the governing body, besides the subscribers' representatives.

Mr. Shaw.—I think nine or ten is the utmost figure you should go to.

1938. Mr. Justice O'BRIEN.—If we take ten, would six and four answer you?

Mr. Shaw.—If you would give nine, I would say six and three.

1939. Professor DOUGHERTY.—You will not take it to the House of Commons if you get six and four?

Mr. Justice O'BRIEN.—We have to keep our eye not only upon the House of Commons, but upon Justice also.

Mr. Shaw.—The practical solution that I respectfully submit on behalf of my clients is this. There is at present a Board of eight constituted by the scheme, of these four are ex-officio—the Archbishop of Armagh, the Moderator of the General Assembly, the Incumbent of the Parish of Magherafelt, and the officiating Minister of the First Presbyterian Church in Magherafelt. We did not object to any of these; these are quite right. Then there are four representative governors. One representing the Diocesan Council, two representing the Presbytery, that is, an exactly equal division as between the two denominations. I would respectfully ask you to increase the number of the Governing Body to ten, not to interfere with any of the present members but to increase, their number by two, by adding the ministers of the Second Congregation in Magherafelt, and of the congregation of Castleclawson, of which Hugh Rainey, the founder, was an elder in his lifetime. Castleclawson is in the immediate neighbourhood of Magherafelt.

1940. Mr. Justice O'BRIEN.—That looks like digging up the dry bones of Hugh Rainey laid to rest 150 years ago, in order to give claims to another district altogether.

Mr. Shaw.—Castleclawson is much nearer than the Archbishop of Armagh, or the Moderator of the General Assembly; it is within two miles of Magherafelt.

1941. Dr. TRAILL.—Why wouldn't you add one Presbyterian layman and keep the Rev. Alexander Minnis and Mr. Andrew Brown.

Mr. Shaw.—I don't think there would be any objection to that; but there is a second Presbyterian congregation in Magherafelt.

Dr. TRAILL.—Choose one or other Presbyterian minister, but add a layman.

1942. Professor DOUGHERTY.—Would there be any possibility of inducing the Primate and the Moderator to retire; they never will appear in Magherafelt.

Lord Justice FITZGERALD.—There is a good way of dealing with such ornamental people; that is, to allow each of them to appoint a substitute. I want to bring you back to the figures. A board of fifteen is absurd for a small school in a small place like Magherafelt. We find seven or nine quite as many as will work efficiently in such a case. We ought first to see what number would make the best board, and then try to choose them. If you go beyond nine—or eleven at

the outside, including the ornamental people—you will make it unwieldy.

Mr. Shaw.—I am making it ten.

1943. Lord Justice FITZGERALD.—But you are leaving out the subscribers. There would never be more than four representatives of the subscribers, but if there were forty subscribers they would have four representatives. I hope you would soon run them up to the full number. I recommend you strongly on both sides not to increase this permanent portion of the body beyond seven at the outside. It would have the effect of deterring subscriptions if the subscribers saw that they would form only a small fraction, or a small minority, of the governing body.

1944. Rev. Dr. MOLLOY.—Supposing you got your proportion—six to four—how would you constitute your chairman? By election?

Mr. Shaw.—Yes.

1945. Rev. Dr. MOLLOY.—Would you give your chairman a casting vote?

Mr. Shaw.—I think so.

1946. Rev. Dr. MOLLOY.—Perhaps it would meet your views if we had a smaller body; if we asked the Primate and Moderator to nominate representatives, and if we constituted a body of seven, allowing them to elect their own chairman, and giving the chairman a casting vote. That would secure to your clients a preponderating voice.

1947. Mr. Shaw.—Do you propose five to two?

Rev. Dr. MOLLOY.—No; four to three.

Mr. Shaw.—That gives the Presbyterians too narrow a majority on a Board of this sort.

1948. Lord Justice FITZGERALD.—If there was a Board of eleven, twelve, or thirteen, you might want two to secure a majority, but if the whole body is only seven surely a single vote is a substantial majority.

Professor DOUGHERTY.—Subscribers are a very doubtful quantity. Have we any reason to believe that any one about Magherafelt will ever subscribe a penny to the school?

1949. Lord Justice FITZGERALD.—If you have no subscribers you will have a miserably small school—you will have a school with far less income than any National school in the town. There is hardly a town in Ulster which has not a school either founded or largely supported by voluntary contributions.

Dr. TRAILL.—The proportion upon the Royal School Boards generally has been five to four.

Rev. Dr. Wilson.—Five to three with one Methodist.

Dr. TRAILL.—It is a working majority.

1950. Lord Justice FITZGERALD.—For the Royal School Boards we fixed the number first at nine because we thought that number most useful, and then in each district we gave a majority—five—and no more, to whatever was the largest denomination. We had a great outcry from the Church people in Farnham who thought they ought to have had six, and we had an equal outcry from the Presbyterians in Donagh; but we defended what we did in both cases by the same argument—viz., we gave an absolute majority to the largest body, one representative to the smallest, and then three to the second in order of the denominations.

Mr. Shaw.—Omitting the representative of the Diocesan Council, the Archbishop of Armagh, and adding another Presbyterian representative would give us the majority we ask for the Presbyterians.

1951. Dr. TRAILL.—A majority of one is sufficient majority. I will undertake to say that if I want to carry any matter on a Board and if you give me a majority of one I could do it.

Mr. Shaw.—Everyone has not the great dexterity that you have.

Rev. Dr. Wilson.—We want to pay Dr. Traill the compliment that one Episcopalian is worth more than one Presbyterian.

1952. Dr. TRAILL.—I think you will have to strike out the co-opted members, too. The appointment of co-

Aug. 2, 1891.

Mr. Shaw

Jan. 8, 1892.
Mr. Shaw.

opted members is restricted so that it requires two-thirds of the body—the majority as well as the minority—to allow any person to be co-opted.

Mr. Shaw.—I think if you put a body of eight or nine over a school of this sort that any co-opting of additional governors is all nonsense. If you have subscribers who can elect, that is a very important matter, for that will encourage people to give money, but I quite agree that the co-opted governors should go out, and I think the representative of the Diocesan Council ought to go out with them.

1953. Dr. TRAILL.—If you want to make the num-

ber seven, the co-opted members ought to go out; if you make it nine that is a different matter.

Mr. Shaw.—I say strike out the representative of the Diocesan Council and add a representative to the Presbyterians, and thereby give the Presbyterians five on the board and the Episcopalians three.

1954. Mr. Justice O'BRIEN.—Whom do you suggest as the new Presbyterian representative?

Mr. Shaw.—The minister of Union-road Presbyterian congregation, Magherafelt.

Lord Justice FITZGERSON.—Now, Dr. Jordan, we will hear you.

Rev. Dr. JORDAN.

Rev. Dr.
Jordan.

1955. I have to thank you, in the first place, for kindly conceding the position to the Venerable Primate of being chairman. I presume from what I have heard that we may take that for granted, and I think it was a very natural and proper thing to do.

1956. Dr. TRAILL.—That, however, is only for the present Primate.

Rev. Dr. Jordan.—Yes; we understand. In 1847, when the last member of Mr. Rainey's family died out, the weight of the management of the school devolved on the Primate. We are fortified in that view by the opinion given to the then Primate by Sergeant Warren. The will and the Act of Parliament were placed in Sergeant Warren's hands, and that very learned counsel held that the whole conduct of the school devolved on the then Primate. That was about 1847. It is a long time since that, and the Church people have had a vast amount of care, trouble, and anxiety in carrying the school on for that very long period. It had, virtually, for a very long period before that been under the trusteeship of the Primate; but from 1847 it was entirely under the conduct of the Primate. I have some old records in my possession as clergyman of the place which show the enormous labour that the Rector of Magherafelt had for years in trying to carry out Rainey's will, and then it was found that something should be done, that the arrangements of the will could not be carried out, and the whole place, both intellectually and materially, had fallen into ruin. The Chancery scheme was obtained on the motion of the Rector of Magherafelt and the Primate; and after that scheme came into force I see from the old records that the Presbyterian and other denominations had a very considerable number of scholars at the school upon the foundation. There was always a strict and earnest observance of the Conscience Clause. I have never heard in former times, and I can testify myself for the eleven years that I have been in Magherafelt, that there was never in any case the slightest approach to interfering with the Conscience Clause, but there was the most rigid observance of it. *From the report of what took place in the House of Commons it appears that the member who moved the resolution, Mr. Russell, said that the Board was fairly constituted. As reported, the words that the honorable member used were, that eight of a Governing Body—four Churchmen and four Presbyterians (for that was what was before the House)—was fairly constituted. He went on to find fault with the chairmanship, but I will not intrude further with regard to that—that has been conceded. An important speech was made by the Member for East Down (Dr. Rentoul). He stated that the Governing Body should be seven Presbyterians and five Churchmen; and, as reported in the newspaper, he based that on the population of the town. The population of the town of Magherafelt I have placed before the Commission in more occasions than one. I brought it forward at the Privy Council also. The population of the town, I most respectfully state, does not bear out at all what the hon. member put forward. The population on what was the

Mr. Shaw.—It was the parish Dr. Rentoul referred to, not the town.

1957. Mr. Justice O'BRIEN.—The figures are given in Dr. Jordan's letter. The town of Magherafelt is placed distinct from the parish.

Mr. Shaw.—It was the parish Dr. Rentoul referred to.

1958. Lord Justice FITZGERSON.—The official report in Hazard, which, I suppose, Dr. Rentoul corrected, is as follows:—"The rector, in reply to the Commissioners, said the Episcopalians were a third of the population of the parish; but these are the figures—Presbyterians, 2,058; Roman Catholics, 1,730; Episcopalians, 1,482. The Presbyterians are as seven to five, and with that proportion of representation will we be content!"

Rev. Dr. Jordan.—I understand from the office of the Salters Company, which certainly had a great deal to do with this school, that the Church people were very considerably in preponderance on the estate.

1959. Professor DOUGHERTY.—Did they take a religious census of their tenants?

Rev. Dr. Jordan.—I cannot tell, but I am quoting the figures which I got from the Salters' office. Increasing the number of the Presbyterians upon the Board I am afraid would lead to very unfortunate consequences for the school. I do not think that the Church people could be expected to enter very cordially into the working of the school if they were placed in an inferior position after having laboured without fee or reward for such a number of years for the school.

1960. Rev. Dr. MOLLOY.—They would be in great part relieved from that labour by the co-operation of the Presbyterians.

Mr. Justice O'BRIEN.—They would be relieved altogether.

Rev. Dr. Jordan.—We would be associated with it, but we would have no voice whatever.

1961. Dr. TRAILL.—The Presbyterians would be anxious perhaps to relieve you entirely of the labour.

Mr. Justice O'BRIEN.—The difficulty you are in is this: If you leave the Archbishop in the chairmanship according to the concession made by Mr. Shaw, and retain your other representatives you say "No" to the House of Commons, and refuse to do anything. They send a resolution here which this body must in some degree yield to.

1962. Dr. TRAILL.—Would you rather throw over the majority, or throw over the Primate?

Rev. Dr. Jordan.—I have no instructions with regard to that. I can only go according to the instructions I have received. I would beseech the Commission, on behalf of the education of the place, to be very slow to put the Church people into such a very inferior position.

1963. Rev. Dr. MOLLOY.—How do you propose to meet the resolution of the House of Commons?

Mr. Justice O'BRIEN.—Simply by a new concession.

1964. Rev. Dr. MOLLOY.—We are here to try and find out the best way of complying with the resolution of the House of Commons, and I hope you will give us your views as to how that is to be done?

* Hazard (loc. cit.)

Rev. Dr. Jordan.—I would have no objection at all to more of the Presbyterian body, clerical or lay, being on the Governing Body. I would not have the slightest objection to the Rev. Mr. McCune on the Board—my neighbour and the esteemed minister of a congregation in Magherafelt, but I certainly think that he should be balanced by one of our Church people.

1955. Lord Justice FRIZZGROVE.—Suppose those religious difficulties were out of the way, knowing Magherafelt and Rainey's school, what do you think would be the best member for a Managing Board for the school?

Rev. Dr. Jordan.—I think the Commission put forward a very natural number—eight.

1956. Lord Justice FRIZZGROVE.—The number is twelve under the scheme, if there are any subscribers.

Mr. Justice O'BRIEN.—There is a contingent income from subscribers.

Rev. Dr. Jordan.—From my experience of Magherafelt, I do not look forward in a very hopeful way to any being placed on the Governing Body from that source, and I would very earnestly ask the Education Commission to preserve the numbers upon the scheme as adopted by you, and as it was passed by the Privy Council, viz., four Churchmen and four Presbyterians. If there be any desire upon the part of my Presbyterian neighbours to have an additional Presbyterian placed upon the Board I certainly think that a like privilege should be accorded to the Church people.

1957. Professor DOUGHERTY.—The difficulty of that is that we should not be constituting the Governing Body as the House of Commons directs us to do.

Rev. Dr. Jordan.—I quite understand the difficulty, but surely when an important Commission has been entrusted with such very important duties it would be quite competent to put forward on behalf of the education of our town, the views of those who have lived for a long time in the town—that you understood it would be very disastrous to education to adopt a proportion such as seven to five. One of the reasons on which I desire to base my request is with regard to the attendance at the school. Speaking roughly, the attendance at the school of Presbyterians and of other denominations has been pretty much equal for a number of years to the Church people.

1958. Dr. TRAILL.—That is one of the complaints they bring against you, that the number of Presbyterians has not been enough, because the Presbyterians were not represented.

Rev. Dr. Jordan.—Surely if the Presbyterians were in unfavourable circumstances with regard to the school, and if few of their body attended, my argument will hold a fortiori.

1959. Dr. TRAILL.—I think it cuts against you.

Rev. Dr. Jordan.—I do not go with the reasoning of counsel with regard to the funds that have been brought into the school. It is only fair to give the Church people credit for all their labour and anxiety and for a very large amount of money having been brought into the school on their behalf.

1970. Professor DOUGHERTY.—By whom?

Rev. Dr. Jordan.—From the Salters Company having joined the Primate.

1971. Professor DOUGHERTY.—But that was money which the Salters Company gave to the district of Magherafelt because of their property being there—it was not given to Churchmen at all.

Rev. Dr. Jordan.—Within about fifteen years the Salters Company had given to the school no less than £3,000 and a very valuable house, built at a very considerable cost, and kept in good repair ever since by the Salters Company, until they withdrew from us. Now it is quite impossible for us to have a school that will be of any use in the place if we do not be in harmony, and knowing the feelings of the Church people, I think it is quite impossible for us to have harmony if you do not give us an equal representation, as Church people, upon the Governing Body.

Everything points to that. It is stated in the scheme as it has been signed, and as it has passed the Privy Council, that the population of the place is virtually equal.

1972. Rev. Dr. MOLLOY.—On the whole you consider it desirable that the representation should be equally divided between Presbyterians and Church people?

Rev. Dr. Jordan.—I am most strongly in favour of that.

1973. Rev. Dr. MOLLOY.—But the resolution of the House of Commons seems to require that the Presbyterians should have a majority—how do you meet that point?

Rev. Dr. Jordan.—One member, Mr. Rentoul, put that forward.

1974. Lord Justice FRIZZGROVE.—The only member of Parliament who spoke in favour of the scheme as it was, was the member for the University of Dublin, who happens to be, not an Ulster gentleman, but a member of my profession. An Ulster representative, Colonel Waring, a member of your Church, supported the motion; and therefore I suppose that if the representative of Trinity College also had been an Ulster gentleman, he would have agreed with Colonel Waring, who deprecated the reluctance with which the Attorney-General supported your views. Colonel Waring said:—

"On the practical ground of the unity of Protestantism, I support the proposition."

Rev. Dr. Jordan.—As to the statement which Mr. Kinraid made that the school would have been more prosperous if he had been a Presbyterian, I am glad to say that that is not the reason why the school has not been more prosperous: it is because of its not being in two departments. If there had been one department for the thirty foundation boys who received a suit of clothes each year, and another for paying boys, the inhabitants of Magherafelt would not have had the same objection to sending their children to the school which they have had. We are very anxious that there should be a good school in our town of a high class, and it is quite impossible to obtain that if the school be not managed by the two principal denominations working in accord with each other, and you cannot have that unless you have the two denominations equally balanced on the Board of Governors.

1975. Rev. Dr. MOLLOY.—For a long time the school has gone on pretty well, though there has not been an equal balance.

Rev. Dr. Jordan.—But this is bringing in a new thing entirely.

1976. Rev. Dr. MOLLOY.—The new Board will be a nearer approach to an equal balance than ever existed before.

Lord Justice FRIZZGROVE.—It should be carried as a useful Intermediate School.

Rev. Dr. Jordan.—But the only way to make it useful is to have harmony.

1977. Lord Justice FRIZZGROVE.—We must frame a scheme of some kind. All you have stated is in praise of the original scheme, and of having half-and-half leaving the turning of the scale to the subscribers, but the House of Commons have sent it back with a resolution disapproving of it. If we do anything we must not repeat the old scheme.

1978. Mr. Justice O'BRIEN.—What would you think of leaving out the Primate altogether?

Rev. Dr. Jordan.—Regarding that I have no instructions at all.

1979. Lord Justice FRIZZGROVE.—You will remember that you said in your own letter that as the Primate resides at a distance he is practically only an ornamental member.

Rev. Dr. Jordan.—I did not use the expression "ornamental"; though in spirit it comes to that.

Jan. 2, 1894.

Rev. Dr. Jordan.

June 8, 1902.
Rev. Dr.
Jordan.

1880. Lord Justice FITZGERSON.—In your letter you said—

"Owing to the distance of Armagh from Magherafelt and the very many and important duties of the Primate, the alleged superiority would seem to be little more than nominal."

I presume the Moderator of the Assembly is in the same position.

Rev. Dr. Jordan.—If the Primate would appoint a substitute and the Moderator would also appoint one, neither of these gentlemen would have any superiority.

1881. Professor DOUGHERTY.—That would not be following the principle of any scheme ever settled by this Commission.

Dr. TRAILL.—Yes, the Bertrand scheme.

1882. Professor DOUGHERTY.—You are asking us to disregard entirely the intentions of the founder.

Rev. Dr. Jordan.—But I have been trying to point out that the school was in a state of ruin when the Salters Company came forward and lifted it out of that condition.

1883. Professor DOUGHERTY.—But that state of ruin did not affect the £161 which was being received annually from Hugh Rainey's bequest.

Rev. Dr. MOLLAY.—If you had a board of four Presbyterians and two Episcopalians, how would you provide a chairman?

Dr. TRAILL.—Follow the precedent of the Bertrand Scheme.

1884. Lord Justice FITZGERSON.—If we want to get one efficient representative of the Church, whether should the Diocesan Council or the Select Vestry have the choice?

Rev. H. B. WILSON (Convener of the General Assembly's Elementary Education Committee).

Rev. H. B.
Wilson.

1889. The late Rev. Mr. Montgomery, of Magherafelt, told me as regards the scheme obtained in Cloncy, that not one of the Presbyterians of the town knew anything about it.

1890. Lord Justice FITZGERSON.—We cannot account for that. No Presbyterian scheme was ever put forward, and no Presbyterian claims or complaints were made until our Commission opened the matter.

Rev. Dr. Wilson.—It has been a standing source of irritation—a cause of perpetual indignation amongst Presbyterians. But that scheme was got out without their knowledge by the Primate and Rector of Magherafelt. Again and again Dr. Jordan has told you about the enormous labour and anxiety he has gone through in connection with these schools. But why this enormous labour! The way of transgressors is proverbially hard, and if he had been carrying out the will of the donor, and acting with a clear conscience in the matter, all Magherafelt would have been with him, and he would have had very little of this labour. Though it is enormous labour and anxiety, Dr. Jordan is anxious to continue the work if you continue him in that position. He has told you that the number of Episcopalians on the foundation are about equal to the number of Presbyterians. That only increases my argument. The pupils go into this school as Presbyterians and come out as Episcopalians. Mr. Russell stated in the House:—

"I quite admit that the Board is fairly divided, but after having been so divided it is provided by the scheme that

Rev. Dr. Jordan.—The Vestry would be for the Churchpeople of Magherafelt, and the Diocesan Council would be for the Church people more generally. The Committee of the General Synod, which is representative of the whole of our Church of over 600,000 people, have taken a deep interest in the matter, and have drawn up a petition and sent it forward to the Salters Company imploring them to do something more for the school.

1885. Professor DOUGHERTY.—The Archbishop of Armagh is not very far from you!

Rev. Dr. Jordan.—Only two miles from Cockstown, and that is a few miles from Magherafelt.

1886. Professor DOUGHERTY.—There is no doubt he would make an efficient representative.

Rev. Dr. Jordan.—It is because of the state of our funds that we are not represented here to-day by counsel.

1887. Dr. TRAILL.—You have conducted your case most ably.

Mr. Justice O'BRIEN.—Yes; you need not be apologising at all.

Rev. Dr. Jordan.—It is a matter of great regret that the endowment from the Salters Company—£26 a year—was so very small compared with their former generous treatment of the school.

1888. Professor DOUGHERTY.—You did not consider this a remarkable feat of generosity on the part of the Salters.

Rev. Dr. Jordan.—No, and the work of carrying on this school has been a great difficulty, and has put a great strain upon us. If the Commissioners could arrange equal parts for Episcopalians and Presbyterians—four and four alike—it would be a great advantage to the town of Magherafelt and to the cause of education.

the Primate of Ireland shall be the chairman for life, and that position gives him the casting vote, whereby the Episcopalians are practically invested with the entire government of the school."

But Mr. Russell also said—

"The Presbyterian Church do not object to this being a mixed school. They do not object to the Episcopalians being represented on the Board of Governors—far from it. Their claim is simply this, that as the endowment was originally a Presbyterian one, and as the small addition to the endowment by the Salters Company cannot affect the real issue, the Presbyterians have an undoubted right, not to the second place on the Board of Governors, but to the first place."

The number of Episcopalians and Presbyterians in the population is:—Episcopalians, 1,462, and Presbyterians, 2,088.

Rev. Dr. Jordan.—That is not the town. In the town of Magherafelt the majority is Episcopalians, though in the parish of Magherafelt the majority is Presbyterians.

1891. Lord Justice FITZGERSON.—(To Dr. Wilson)—What do you ask us to do?

Rev. Dr. Wilson.—I don't think you can deal fairly by giving less than seven to five. We want a working majority, and it ought to be borne in mind that we pay two-thirds of the money, and I think the Salters Company are quite as favourable to Presbyterians as they are to Episcopalians.

Dr. TRAILL.—But pressure has not yet been brought to bear upon them.

REV. ALEXANDER MURDO, Saltersland.

Rev. Alexander
Murdo.

1892. I have lived near Magherafelt from 1854 to the present time, and I was intimately acquainted with the late Rev. Alexander Montgomery, Minister of First Magherafelt Presbyterian Church. He often spoke to me in reference to this school, and felt sore regarding it. He said that it had a

prejudicial effect on the children of the poor in his congregation; that it was a purely Episcopalian school, and turned the Presbyterian children out as Episcopalians. As to the school, he knew nothing whatever in the past when we, Presbyterians, scarcely get justice, and did not want to have it unjustly. As to the

irritation in the country on the matter, I can tell you that again and again there was a great deal of talk about the setting aside of Rainey's will, not only amongst the humbler classes, but also amongst the better class of Presbyterians. I was blamed for making my demand in this case quite too moderate. That was the feeling amongst the Magherafelt Presbyterians then. My statement was reported in the newspapers. We want to get rid of all the irritation of the past.

1893. Lord Justice FITZGERALD.—Your opinion was expressed by other authorities of your Church, but you were all then under the impression that the Salters Company would maintain the school with the same efficiency as before, and that the endowments from the Salters Company would be as large as before. Rev. Dr. Wilson from the first demanded a majority of Presbyterians, but other Presbyterian representatives, including the Moderator, all expressed themselves willing to accept equality with the Episcopalians, and it was unjust to blame Mr. Minnis for what was also the opinion of others.

Rev. Mr. Minnis.—The late minister felt as I have stated, and the humbler as well as the more educated classes will not now be satisfied unless something approximate to the will of the testator is done.

1894. Mr. Justice O'BRIEN.—What religion is the master of the school.

Dr. TRAILL.—He is an Episcopalian.

1895. Mr. Justice O'BRIEN.—If the school has been

the means of converting Presbyterian pupils into Episcopals, how is it that the number of Presbyterian pupils has been increasing?

Rev. Mr. Minnis.—The Presbyterians comprise the class from which the pupils generally come; they are the sons of farmers, and the Episcopals are either the more educated or the more humble classes.

1896. Dr. TRAILL.—With regard to the poor how would matters stand?

Rev. Mr. Minnis.—I think the largest section of the poorer classes are Roman Catholics.

1897. Dr. TRAILL.—Leaving out the Roman Catholics whether would the Episcopals or the Presbyterians have the larger proportion of the poor in the parish.

Rev. Mr. Minnis.—I think there are probably more of the Episcopals. I believe Dr. Jordan has conducted the school more as an undenominational school than previously, and I think that accounts for the fact that there are more Presbyterians now than before.

1898. Dr. TRAILL.—Are we then to take it that the charge almost of proselytising does not apply to Dr. Jordan?

Rev. Mr. Minnis.—Not to the same extent.

1899. Dr. TRAILL.—Does it exist to any extent; is there any proselytising now?

Rev. Mr. Minnis.—Now, really I think not, but residing as I do about three miles from Magherafelt, I cannot speak with certainty.

Rev. Wm. REID (Clerk of the Presbytery of Magherafelt).

2000. The arrangement of having four Presbyterians and four Episcopals would not work. You must have a majority on one side or other, and it should be on the side that gave the most money to the school. The Rainey money is far more than all that the Salters Company is giving. The markets and stores from which the Salters Endowment is to come are very precarious. They have been made over to private individuals as trustees of the income derived from them, which at present is about £150 per annum. These markets may go down, and there is no certainty that they may not collapse. In fact they have been threatened.

2001. Professor DOUGHERTY.—Somebody might start new markets.

Dr. TRAILL.—The threat was from the Roman Catholics, but now they get £54 as their share of the £110.

Rev. Mr. Reid.—Dr. Traill knows how precarious an endowment these markets are. There were 12 Irish acres of land rented from the Company, and the tenant-right of it must be valuable, and with the site of the old school, which is on the best business part of the town, and is now built over with prosperous business houses, is worth almost the value of the new school buildings. Not long ago a woman sold land under a high rent, and the tenant-right brought £35 per statute acre.

2002. Lord Justice FITZGERALD.—In 1865 tenant right was not legally recognised.

Rev. Mr. Reid.—Land has always sold at a high price in Magherafelt, whether it was called tenant-right or not. With regard to the question Dr. Traill has asked, viz., if the Salters would restore their annual donation to the school of £180, would we be prepared to accept the board of four Presbyterians and four Episcopals as at present constituted, I at once say no.

2003. Dr. TRAILL.—Even if they offered it to you on such terms?

Rev. Mr. Reid.—We would not accept it. We claim representation in proportion to Rainey's money, £141 per annum, and our half of the Salters money; and if

the Salters Company gave £180 again we would ask to have half of it added to £141, and allow the other half to the Episcopals, to be added to the half of the £66 from the markets. But the Company are not at all likely to give £180 in addition to the markets, or indeed at all. The whole thing is merely a shadow. Regarding Dr. Jordan's remark, that the Church people are in a majority, and that if they are put in a minority on the Board of Governors they could not be expected to work in the interests of the school, and that the result of putting the Rainey school under Presbyterian sway will be disastrous, I say that taking the National schools in Magherafelt, which are a good test, the Presbyterians are a majority over the Episcopals. The schools around the town are largely Presbyterian. Dr. Jordan had a little experience of late in a matter of this kind. He got a National school from the Salters Company about a mile and a half out of Magherafelt, at Drumahaire, and the Presbyterians were so indignant that they sent their children to other schools, and Drumahaire school was struck off the roll. To try and get it restored again a Presbyterian teacher was appointed, and she was getting the children back.

Rev. Dr. Jordan.—That took place under peculiar circumstances.

Rev. Mr. Reid.—We make a very moderate demand. We would be prepared to fall in with the claim made by Mr. Shaw. I would prefer that to the claim of Rev. Dr. Wilson, viz., seven to five. I agree that a large number of Governors is not desirable.

2004. Dr. TRAILL.—But if the four subscribers were put on?

Rev. Mr. Reid.—But four subscribers are not at all likely to be elected. I don't think that four governors will ever be elected by subscribers. I think our claim is very strong and I think nothing less than what I have mentioned will satisfy the Presbyterians. You are wanting to get rid of a long standing grievance, Presbyterian parents have been so disgraced, at the standing source of irritation which the Rainey School has been that they sent their sons to Monaghan, to a

Jan. 4, 1891.

Rev. Alexander Minnis.

Rev. W. Reid

Jan. 9, 1891. Little school partly supported by the Drapers Company. Mr. Kincaid is a very respectable man, and the Salters Company have not treated him well. He stated in his evidence, before this Commission at Magherafelt, that he believed "if he had been a Pres-

byterian the school would have succeeded better than it did." He was only too modest, as to himself. If he had said that "if the school had been under Presbyterian management, it would have succeeded," he would have said what was exactly correct.

Rev. GEORGE GILLESPIE.

Rev. George Gillespie.

2005. During the past two years this is the third time I have appeared in this matter,—once before the Commission in Dublin, in July, 1889; once before the Privy Council and now before the Commission again. I agree with the statement made by the Attorney-General in the House of Commons, that the matter has been thoroughly threshed out. Dr. Jordan kept altogether shy of the real question, and he dealt with the population of Magherafelt in a way irritating to Presbyterians, quoting his figures from a return supplied from the rent office by those in sympathy with him. Speaking on behalf of the Presbyterians of Magherafelt I think there are wider claims than were made by the learned counsel who addressed you. I claim representation on the Board of Governors in strict proportion to the amount of the present endowments of the school drawn from

Presbyterian sources, on which the Presbyterians have an indisputable claim. I agree that we should try to get the matter settled once and for all, and in order to secure that we should consent to modify our claim and accept a clear majority of two on the Board. It would be utterly useless to send back the scheme to Magherafelt with the numbers of Presbyterians and Episcopals balanced in accordance with Dr. Jordan's views. The Presbyterians cannot accept such a Board. If the modified and very moderate claims now put forward by us are not granted, the Presbyterians will refuse in the future as they did in the past to have anything to do with the school. The result will accordingly be disastrous to it. If the school cannot exist without their help it will be well not to upset the feelings of the Presbyterians.

P. CAMPBELL GAUSSEN, B.L.

P. Campbell Gausson, B.L.

2006. I represent Mr. H. E. Kincaid the Head Master of the Rodney School. Having regard to the correspondence with the Salters Company I hope you will name the sum which Mr. Kincaid should receive as a retiring allowance in case his services are dispensed with.

2007. Mr. Justice O'BRIEN.—What would you recommend the Commission to do?

Mr. Gausson.—To endeavour to ascertain from the Salters Company their views as to Mr. Kincaid's future position.

2008. Lord Justice FIREBRIDGE.—In our letter to the Salters Company of December 24, 1893, we put the question—

"As regards Mr. Kincaid and the undertaking of the Company to consider his position favourably: do the Company contemplate giving him a retiring allowance, or is what they propose to deal with him; the reduced income of the school would be insufficient to maintain his present emoluments and the change in the governing body will probably affect his position."

The reply to that query was to the effect that the Company intended to consider Mr. Kincaid's position favourably, but would not come to any conclusion as present.

2009. Dr. TRAILL.—But they have said that they will give him a retiring allowance.

Mr. Gausson.—I hope the Salters Company will reconsider the subject, for at present the money is insufficient to maintain the school under the same management.

2010. Lord Justice FIREBRIDGE.—Why should you raise the money? In Boyle, a smaller town in a remote part of Ireland, in a Roman Catholic locality, the Protestant shopkeepers established a school without external aid of any kind, and their school actually won a larger proportion of Intermediate Prizes than any other school in the country. They told us £250 a year to pay the rent of a house would permanently secure their school. The sooner you begin doing likewise the better.

Mr. Gausson.—I am afraid Mr. Kincaid may not be generously dealt with by the Salters Company, who may think that the governing body of the school should attend to the matter.

2011. Lord Justice FIREBRIDGE.—He told us at Magherafelt that one of the greatest hindrances to

him to go there as head-master was his knowledge of the Salters Company, and that he knew the London Companies were in the habit of pensioning their servants. He also gave evidence on that occasion of direct possession from Sir Henry Cartwright; that the sale of the estate should not alter his position; and that he would have the salary as long as he lived. We cannot pay Mr. Kincaid any pension out of the funds of the school. Section 39 of the scheme enables governors to grant him a retiring allowance, with due regard to the circumstances of his employment and to the amount of the endowments. You want a compulsory grant to Mr. Kincaid of money, which would be withdrawn from the school at the very time when the funds are insufficient for education.

Mr. Gausson.—But the Salters Company have stated that there will be something supplemental; and if the Commission would fix the amount that the governing body are to give Mr. Kincaid, it would be well. Mr. Kincaid's salary, which is now only £150 a year, was previously £400 a year, and he was led to believe that it would increase. It is admitted that the failure of the school was not through any default of Mr. Kincaid's. He should receive an ample allowance. He is in ill health and is an aged gentleman, and I hope this Commission will name a sufficient amount. The Salters may say: "If we superannuate Mr. Kincaid now, the Charity will do nothing; we will therefore hold off until we see what they give." I would like the amount named to-day by the Commissioners here; and if this be done, I hope the Company will increase their allowance.

2012. Lord Justice FIREBRIDGE.—What legal right has Mr. Kincaid against the school funds?

Rev. Dr. MULLOY.—Section 38 of the scheme says—

"Every individual who at the date of the passing of the Act held, and at the date of this scheme shall continue to hold, any office or emolument under or out of the endowments, shall continue to hold and shall be entitled to receive the same from the governors, upon the same terms and in the same manner in every respect so far as the amount of the income of the endowments may suffice, as he held and was entitled to receive the same at the date of the passing of the Act."

2013. Lord Justice FIREBRIDGE.—Nothing practical can result from your claim for a pension out of this £150 a year. We cannot direct it from the purpose for which it is intended.

* See Appendix B, Nos VI. (d), & VI. (g), pp. 106-7.

Mr. Gossens.—Mr. Kincaid wishes to be in a position to tell the Company that he put his claims before the Commission, and he also wishes to get whatever rights he has against the charity established, so that the Salters Company cannot afterwards say to him, "You did not assert your rights, and consequently we now cannot interfere." I do not see any practical hope of subscriptions. Mr. Kincaid has been in a state of great anxiety ever since this Commission commenced its inquiries in this case. It has affected him greatly, and he is at present in very bad health.

2014. Dr. TRAILL.—How would it do if you got a definite refusal from this Commission, and you then went to the Salters Company?

Lord Justice FRANKLIN.—Where do you expect this pension to come from? We cannot give Rainey's money for that purpose.

Mr. Gossens.—You could give a proportion of the Salters money. Apr. 8, 1891.
F. Campbell
Gossens, &c.

Lord Justice FRANKLIN.—It is only £26, and even if we gave him half of it, it would be a miserable allowance.

2015. Dr. TRAILL.—Can you not go to the Salters Company now, and say that the Commission can do nothing for you?

Lord Justice FRANKLIN.—You are asking us to apply money to purposes to which it is not applicable.

Mr. Gossens.—If you are of that opinion, I hope and trust that before you revise the scheme the Company will have granted Mr. Kincaid a proper allowance.

REV. SAMUEL McCUNE.

2016. I am minister of the Second Presbyterian Congregation of Magherafelt—Union-road Church. I say that Union-road should be represented on the board of management of this school.

2017. Lord Justice FRANKLIN.—That Congregation belongs to a different Presbytery, if I recollect aright.

Rev. Mr. McCUNE.—Yes. I belong, not to the Magherafelt Presbytery, but the Tyrone Presbytery. Mr. Glover brought it up, and insisted that Union-road should be represented in the management of the school.

Professor DOUGHERTY.—I think the opinion is now, that if any addition be made, Mr. McCune should be appointed.

2018. Dr. TRAILL.—Does Mr. Glover belong to your Congregation?

Rev. Mr. McCUNE.—He does, and would act.

Rev. H. B. Wilson, B.D.—No better man could be appointed.

2019. Dr. TRAILL.—Mr. Glover would be a very suitable man, irrespective of his connexion with Union-road Congregation.

Rev. Mr. McCUNE.—Should the minister of Union-road church not also be appointed on the board of governors, it would cause a feeling of disappointment there.

2020. Professor DOUGHERTY.—Would they not think that the appointment of a layman gave them representation on the board?

Rev. Mr. McCUNE.—But suppose he should leave the town or die.

2021. Rev. Dr. MULLOV.—Then he ceases to be a member of the board.

Rev. Mr. McCUNE.—But the minister, so to speak, always lives, for there is a minister there always.

2022. John Smith (who had been called upon by the Rev. Dr. Jordan).—I do not think I can add anything to what has been already stated.

2023. Lord Justice FRANKLIN.—You are a sensible layman of Magherafelt: can you tell us how we can comply with the resolution of the House of Commons without hurting the feelings of the townspeople?

Mr. Smith.—I do not see how you can please both parties, unless you let in some more of each side, and let in the Methodists too.

2024. Rev. Dr. Jordan.—I have no objection to the Rev. Mr. McCune's suggestion, that another Presbyterian minister and layman should be on the board; but, as a matter of equity, I hold that another Church clergyman and a Church layman should be also put on, if two of the other body are.

Mr. Shaw, Q.C.—Dr. Jordan has entirely ignored the resolution of the House of Commons. I think we must exclude one or other of the Episcopalians, and add Mr. McCune, the minister of Union-road Church.

2025. Lord Justice FRANKLIN.—We will carefully consider the whole matter; but we must satisfy ourselves that our decision is a just one, and one that will work satisfactorily without injuring the school. It must be remembered that we have to deal, not with the House of Commons only, but with the two Houses of Parliament and the Privy Council.

This concluded the inquiry regarding the Rainey's School.

Rev. Samuel
McCune.

SCHEME No. 82.—THE DONAGHADEE FREE SCHOOLS.

*OBJECTIONS AND AMENDMENTS.

DANIEL DELACHERESSE, D.L., examined, having been previously sworn.

Daniel
Delacheresse,
D.L.

2026. Lord Justice FRYGIMON.—We understand that you are at present manager of the Leslie School?—Quite so.

2027. It was not our intention to disturb any existing manager, and in the revised proof of the scheme we have made that clear. Are you satisfied with that alteration?—I am. I read clause 11, that I can continue manager of the Leslie School if I wish and am capable; and when I resign or die, or become incapable, that the incumbent succeeds as a matter of right.

2028. Yes; and you are to have the positive right, as the proprietor of the Donaghadee estate, at all times, if willing to act, to be the manager of the Mount Alexander School?—And the incumbent to be the manager of the Leslie School?

2029. Yes; but you being the existing manager, are at liberty to retain that position as long as you choose?—I am satisfied with that.

2030. Dr. TRAILL.—You want to be the manager of the school during your life?—Yes; I do not want to be turned out of the management after I had taken so much trouble with the school.

2031. Lord Justice FRYGIMON.—The next matter is more important. We got a letter from you in which you did not object to the payment of £10 a year, which part of the £130 surcharge is directed in the founder's will to be paid to the officiating clergyman of Donaghadee for reading morning prayers on every Wednesday and Friday throughout the year in the parish Church

of Donaghadee. As a matter of fact, the prayers have not been read, and the money has not been paid for a considerable number of years?—That is so.

2032. The scheme proposes that the Board of Governors, on which you will have a large representation, may substitute religious instruction in the school for the duty of reading morning prayers; but we have got from your solicitors an objection relying on the statute of limitations as having put an end altogether to the charge. My learned colleague and myself wholly fail to see that the statute of limitations could put an end to a liability of this kind; so long as the condition was not discharged, the liability did not arise. But first we ought to know from you whether you insist that this £10 has ceased to be a charge, in the event of the prayers being said?—I do not wish to miss any cavil about the point if the duty were properly done. Although the present incumbent never made the attempt, he might not be able to get the congregation together twice a week. For my part, I am willing that the money should be given to the Governors, to be expended in some better way. For instance, there is no money to be expended in prizes, the old roof is very bad, and it would take £40 or £50 to put on a new one. This year I paid £3 for school requisites, and £5 for other odds and ends.

2033. Your proposal is not to treat the charge as at an end, but to give the Governors a wider power of administering it than before?—Quite so.

The Rev. R. H. COOTE examined, having been sworn on a previous occasion.

Rev. R. H.
Coote

2034. Lord Justice FRYGIMON.—The £10 is not payable for any year in which morning prayer is not read in the church on Wednesdays and Fridays. It is very small pay for services which you told us yourself would not be of any practical benefit, and therefore we should consider in what way the money can be best applied?—My opinion is that the money could not be applied in any better way than that which the scheme suggests—the religious instruction of the children in the school. That would be a very fair compromise, both with regard to the school and the charity, and the money would not be diverted from its original intention.

2035. Dr. TRAILL.—Who takes charge of the religious instruction in the school at present?—I do.

2036. How often do you attend?—It varies.

2037. Have you any special days in the week set apart for giving this instruction?—I have not any special days set apart, but it could be done.

2038. If this clause were put in force, how often would you consider yourself bound to attend?—I think once a week would be very fair, and would be sufficient.

2039. Would not the clergyman of the parish be bound to attend once a week to the religious instruction without the £10?—That is true, but at the same time you are paying over to the clergyman only that which you are supposed to pay him in any case.

2040. No, he has no claim to it unless he says prayers on Wednesdays and Fridays. Putting that aside, what should you pay the clergyman for—

not for what he does, as a matter of course, but something extra?—I do not think that £10 would be too much, when you oblige him always to attend.

2041. But are you not always bound to attend as a clergyman to the religious instruction of the school?—That is true, but at the same time I have got a very efficient master who attends to that, and the case is not one of compulsion.

2042. Is not one morning in the week the very minimum that a clergyman would be expected in any parish to attend?—I do not know that. I speak for my own parish.

2043. Lord Justice FRYGIMON.—This is not a case of withdrawing any money from the clergyman, because he cannot get this money at all, unless he holds two services in the week, which he is not likely to do for the sake of £10 a year. Mr. Delacheresse proposes that the Governors shall have a discretion to spend the money on other things than religious instructions. If we put in a provision that the Governors may apply this money either in payment for religious instruction, or for any other purposes which they may consider necessary for the school, the constitution of the body would appear to secure a fair consideration for the incumbent, who will be there to look after his own interests, and will have the bishop and chancellor to see fair play. If we left it out of our scheme altogether, the effect would be to leave the money as it is now, not payable at all unless these week day services are held.

2044. Mr. Justice O'BRIEN.—Do you understand? Unless there is some provision made in the Scheme in reference to it, the condition on which this liability arises will not come into existence, and the £10 will never be paid at all unless these prayers are said.

2045. Lord Justice FRANKLIN.—And he is willing to pay it for the benefit of the School on any terms that the Governors consider desirable.

Mr. Delacherois.—Most certainly. I am so much engaged with these schools, that I know what is wanted more than some people think. You want prizes, coats, books, and other things.

Lord Justice FRANKLIN.—I think that would be a very fair settlement of the matter, and I strongly advise Mr. Coote to accept it.

2046. Dr. TRAILL (to Mr. Delacherois).—How much do you pay out of your own pocket towards these things?—I suppose £5 or £3 a year. I have spent £40 or £50 on the schoolhouse myself, and it wants a new roof now which would take £40 more.

2047. Mr. Justice O'BRIEN.—You made these payments out of your own liberality?—Just as the school required it. There was no one else to do it and no other fund that it could come out of.

2048. Dr. TRAILL.—Your successor may not be ready to give this money out of his own pocket and it is better to have this £10 available.

Mr. Delacherois.—Unless you get some fund, I do not know what is to become of the school. I want to ask another question. Have the Governors the power to take away the clothes from the boys?

2049. Lord Justice FRANKLIN.—Certainly. They will have power to apply the clothing fund to other purposes. We considered that it was not as useful as might be, and the funds are insufficient now to meet all the purposes of the founder.

Mr. Delacherois.—It is a poor school and these boys come very often more for the clothes than for the education.

2050. Mr. Justice O'BRIEN.—When they get the clothes they might go away, and leave the education behind them.

Mr. Delacherois.—They do not do that. I think it would be a very deplorable thing to take away the clothes from these boys.

2051. Lord Justice FRANKLIN.—The Scheme does not take anything away. It gives the Governors power to apply that £50, or any part of it, that they think desirable, instead of giving it in clothes, to teaching. I think that that is a very wise thing to do. The provision of the scheme is that the three annuities of £20, £30 and £10, originally given for the support of the schoolmaster, the clothing of thirty children and the payment of apprenticeship fees, shall be made generally applicable to the purposes of the school, and that the Governors may apply these moneys for the various purposes prescribed, as may be best for the school and the pupils. We will put in, if it is not there already, power to give clothing if necessary.

Mr. Justice O'BRIEN.—The Governors can apply it generally in favour of education, but the scheme does not impose upon you the obligation to do anything else with it.

Mr. Delacherois.—Could you repair the school with it?

Mr. Justice O'BRIEN.—I should say yes.

2052. Lord Justice FRANKLIN.—There ought to be a power to expend the £50 on clothing, if the Governors think proper, but I do not think it should be compulsory.

Mr. Delacherois.—Are the Governors released from the obligation of buying clothes for the girls?

2053. Lord Justice FRANKLIN.—Certainly, because we got distinct evidence with regard to the Leslie School that the money was quite insufficient. It was impossible with £30 to dress and teach twenty girls.

The Right Rev. WILLIAM REYNES, D.D., Lord Bishop of Down and Connor and Downee.

2054. Judge Lefroy, who is the Chancellor, and I are the existing trustees. When the charge was created by the will of Mary Angelica, Countess of Mount Alexander, in 1761, her estate was equally divided between two parties—one now represented by Mr. Delacherois, and the other by Mr. Crommelin. Each of them is liable for half the £10, and that has not been drawn for a very long time. The duty was sometimes performed by the previous incumbent, but it was a long time ago. That money has never been paid, but has gone into the pocket of the landlords, and may be considered as going towards the £8 or £9 expended, in reducing the amount of their generosity. That is a state of things that should not continue. It appears to me that the £10 should be made an absolute charge still, and the proceeds paid to the incumbent, and the proposition made in the scheme that it should be applied for educational purposes appears to be very desirable. The scheme would be more perfect if it laid down the payment of the £10 a year to the incumbent in consideration of the religious education that he would afford at the school. I would not tie him down to any number of days in the week. I would leave that entirely to his own conscience and his own discretion, but I do think if there is evidence to prove that the clergyman is faithful in his attendance on these occasions that this money should be continued to him absolutely.

Lord Justice FRANKLIN.—The difficulty about that is that we have no power to put any charge on the property that is not on it already. The present charge on the estate is only conditional under the will for each year that these week day prayers are read. This is a payment for specific services to be rendered. Therefore before we alter the condition on which this money

is payable by Mr. Delacherois in a direction that would make the charge more onerous on him, we must have his assent. We can leave it as it is, in which case the £10 will be an absolute charge in every year in which the prayers are said, and will not be a charge at all in other years, but without his consent we cannot alter it. The public have got notice of this scheme, and if it passes it will have the authority of an Act of Parliament. But we have no authority to alter the charge without the consent, or at least acquiescence, of Mr. Delacherois as the party concerned, and he wishes to leave them at the disposal of the governors, three of whom will be representatives of the clerical interest.

2055. The Bishop of Down.—Is it not in the competence of the Court of Chancery to vary the trust? Lord Justice FRANKLIN.—Yes; where property is bound by a trust. But here the charge is conditional.

2056. The Bishop of Down.—Have you not power to substitute religious education in the school for religious services in the Church?

Lord Justice FRANKLIN.—I do not think we could do so against the will of the owner of the estate, or of the clergyman, because the will is very specific, and says that the clergyman is to get the money if he does a thing which he may do if he likes to-morrow. There are many churches in which the condition would be fulfilled, and I rather think the rubric directs it. So long as the condition is performed, the clergyman has a right to the £10 a year; but if he does not perform the services, he keeps his services and the landlords keep the money.

2057. The Bishop of Down.—Are you not interfering not only with this money and the rights of the pro-

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Owls.

Right Rev.
Wm. Reeves.

Jan. 8, 1881.
Right Rev.
Wm. Doxey.

priety, but also changing the terms of the will, when you make the payment of the £10 conditional on the will of the majority of the governing body?

Lord Justice Fitzgerald.—We are. This is not an educational trust; it is a religious trust, and we won't meddle with it, if anybody objects, however desirable it may be to do so.

2058. The Bishop of Down.—Then the majority of the governors can absolutely by their will interfere with that of the founder?

Lord Justice Fitzgerald.—We propose to allow them to do so. The foundation of our action may be good or bad; but it is the acquiescence of the parties concerned. In the case of non-educational trusts our Act allows us to divert funds if the governing body assent.

Mr. Justice O'Brien.—Catechetical instruction in the school is not the same as the services required by the testator to take place in the church. There is no identity between the two, any more than if the Commission were to prescribe a change in the ritual of the Protestant Church. You have exactly hit the point of the objection to giving this power to the new Board. It is interfering with the terms of the will; but only because that seems to be the only mode of carrying out anything like what the terms of the will prescribed. The money is left upon a specific condition, and the owner of the estate may withhold it unless the condition is performed. We have no power of varying that condition. It is not like a case where a charity so called becomes unavailable, and a certain power is given to certain bodies to alter the nature of the charity.

Lord Justice Fitzgerald.—There is no doubt a question in the matter, that £10 is portion of a rent charge of £130; and if you went to Chancery, it might be that the whole £130 could be raised by the bishop, in whom it is vested, and then that he, as trustee of the money, could get the sanction of the Court of Chancery to apply it in some different way. But how much of it would be left by the time it was recovered. That is a good reason for our now getting you to agree to the proposal made. My opinion is that this £10 would be held a conditional rent charge only, and not payable out of the estate when the prayers were not read.

2059. The Bishop of Down.—A clergyman is alive who received the payment.

Lord Justice Fitzgerald.—Yes; when he performed the service, and now the £10 should "be paid yearly to the officiating clergyman of Donaghadee for reading morning prayers on every Wednesday and Friday throughout the year in the parish Church of Donaghadee." That is a trust of which I will say no more than that nobody gets any good of it now. That being so, we ought to persevere in the attempt to apply it for religious instruction or some other useful purpose.

2060. Dr. Traill.—It is quite possible that Mr. Delachereis might not continue to pay these accounts, and it would be a very important thing for the governing body of the future to have £10 available for the requirements of the school.

The Bishop of Down.—I do not agree as to that.

2061. Lord Justice Fitzgerald.—What is the purpose to which you think it ought to be applied?—Education.

2062. Religious education?—Religious education in these schools. I would say that the clergyman should appear twice a week in a religious character in the school, and give religious instruction—the reading of prayers for the children, or any other religious performances.

2063. Dr. Traill.—How often would you require him to do that?—If it would satisfy the Commission, I would say twice a week.

2064. Lord Justice Fitzgerald.—Here is the provision in the scheme:—

"The Governors, if they think fit, may apply the annual sum of Ten Pounds, late Irish currency, mentioned in the

Third Schedule, as a payment to the Incumbent for the performance of the duty of giving catechetical and other religious instruction to the pupils belonging to the said church attending the schools, at such times and subject to such regulations as the Governors may, from time to time, determine, in place of requiring the said Incumbent to read morning prayers on every Wednesday and Friday throughout the year in the parish Church of Donaghadee."

Our intention was that the governing body should prescribe the days for this service, and the bishop is one of the governors.

Rev. Mr. Coote.—Would the governing body have a right to determine that by an absolute majority irrespective of the consent of the owners of the property?

2065. Lord Justice Fitzgerald.—Certainly, and Mr. Delachereis does not object to that. He is willing that this £10 shall be paid for whatever purpose connected with the school the majority of the governors may think most necessary; and Dr. Traill has pointed out that sometimes you may not have an owner of the estate who will repair the school or do other things more or less pressing. In such a case Mr. Delachereis suggests that the governors may apply the money as they think best.

2066. The Bishop of Down.—May I ask you who the governing body are?

Lord Justice Fitzgerald.—First the bishop or the governor whom he may nominate in his place; next, the Incumbent.

2067. The Bishop of Down.—Has the Incumbent the power of deputation?

Lord Justice Fitzgerald.—No, nor ought he to have it, because it is his own parish and his own school.

2068. The Bishop of Down.—And it is the bishop's diocese?

Lord Justice Fitzgerald.—But the bishop might not be always attending to the parish of Donaghadee. The third ex-officio governor is the chancellor, or the governor to be nominated by him. Then there are the proprietors of the Donaghadee estate, the Carrondale estate, and the Leslie estate, or the governors nominated by them.

The Bishop of Down.—It appears to me that the proportion of ecclesiastical Governors in the Scheme is inadequate. It does not pay due attention to the existing proportion, and in the case of a difference of opinion between the ecclesiastical and the secular Governors there might be some uncertainty. I think if there is to be a preponderance it should be on the ecclesiastical side.

2069. Lord Justice Fitzgerald.—Bear in mind that the Mount Alexander School is the only one in which the Bishop and his Chancellor have at present any concern. In the Leslie School the heir-at-law and the Incumbent have the power now. We are satisfied that it is most desirable that both Schools should be put under the same control. We also propose that the Bishop shall be the Chairman with a casting vote.

The Bishop of Down.—I would not be satisfied with that, as in the mind of the testator, the Countess Argyle, the feeling evidently was that the ecclesiastical element should predominate.

2070. Dr. Traill.—As to the Wednesday and Friday services, I think it should be decided now whether it would be desirable to have them, and this should be put distinctly into the scheme.

Mr. Justice O'Brien.—If Mr. Delachereis has been in the habit of contributing every year to the expense of this school, and is not content to make this payment only for religious instruction, this £10 should be applied to relieve him from his expenditure on the School.

Rev. Mr. Coote.—What has been done with all that money up to the present time when he has not been paying it?

2071. Dr. Traill.—He has been paying more than he is legally bound to do, according to the evidence we received at Donaghadee.

Mr. Delacherois.—Let me ask if the apprenticeship fees are still to be paid. That £10 for apprenticeship fees is obsolete now, because you cannot apprentice children now for £10. If Mr. Cromedin pays his share of the apprentice fees and prayer money there will be another £10 available for fuel.

2072. Lord Justice FITZGERSON.—Do you pay that apprenticeship money at present?

Mr. Delacherois.—Yes, whenever the apprentices come forward.

2073. Mr. Justice O'BRIEN.—Then that £10 would not be in future a supplemental fund, because it is already used for this purpose. It is no new revenue to the school.

Mr. Delacherois.—But the Governors can deal with it, and it is an income the school wants.

2074. Mr. Justice O'BRIEN (to the Bishop of Down).—On what principle do you consider that there ought to be a preponderance of the ecclesiastical element over the laity on this governing body?—The whole thing, from the date of the Countess's will to the present time, is a purely ecclesiastical trust. The Bishop and the Chancellor are the trustees who have the control under the will.

Lord Justice FITZGERSON.—The Chancellor is not necessarily a clergyman.

Dr. TRAILL.—He is called the Vicar-General in the will.

The Bishop of Down.—Chancellor is the modern term. The Vicar-General holds visitations with the bishops, and performs ecclesiastical functions.

2075. Lord Justice FITZGERSON.—So far back as 1848, the Mount Alexander School was removed to a building provided by deed executed by members of the Delacherois family. They gave the land, and also devoted two pounds a year to the repair of the school house. Whatever it may have originally been, it is now a National school, of which Mr. Delacherois, a layman, is the only manager recognised by the National Board.

2076. Lord Justice FITZGERSON.—These responsible for the management of the school have put it into the hands of a layman. If a patron nominates a manager he cannot act until he withdraws the appointment.

The Bishop of Down.—I think that matter did not receive much attention at the time. As to the ecclesiastical nature of the thing, I have to add that all through the Countess's will you observe that not only the individuals to be employed were to be Protestants, but Protestants of the church then established, which church has a certain trusteeship by the Act of 1879, transferred to it. I imagine that under these circumstances it would be an invasion of the principle that actuated the mind of the testator to leave it in a state of equilibrium between ecclesiastics and seculares.

2077. Mr. Justice O'BRIEN.—Is not the Protestant character already secured in the constitution of the Governing Body? You know what great authority is vested in the hands of the bishop, and of his nominee, and the Chancellor is not likely to controvert his wishes?

The Bishop of Down.—Up to a certain extent—I do not ask it entirely—I wish it to be preserved.

2078. Rev. Dr. MONAGHAN.—You ask it as trustee?—Yes.

2079. Lord Justice FITZGERSON.—The Chancellor in this instance is a layman. Would it satisfy your wishes if we allowed the Bishop to act himself as Chairman, and also allow him to appoint a nominee?—If you allow me to appoint a nominee I will be satisfied.

2080. Mr. Justice O'BRIEN (to Rev. Mr. COOTE).—You do not object to this scheme as it stands with regard to the application of the £10?—Not as it stands now, that it should be given for religious instruction in the school.

2081. Dr. TRAILL.—You are in favour of the scheme as it stands.—I am.

Lord Justice FITZGERSON.—But surely it might with very great advantage be enlarged in the direction which Mr. Delacherois wants, by providing that the money might be applied, say for prizes as well as for religious education.

2082. Dr. TRAILL.—Supposing the governing body put more stringent directions on the clergyman than he was disposed to agree to, then if he did not give the services the £10 would be derelict still, and unless you gave power to apply it in some other way the £10 might again revert to Mr. Delacherois.

Rev. Mr. COOTE.—I do not think so.

2083. Dr. TRAILL.—Now supposing the governing body is established in the proportion the bishop wants, and you find it inconvenient to attend as often as is asked, if you do not perform the duty that the governing body, with the bishop at its head, imposed on you the £10 would be derelict.

Rev. Mr. COOTE.—You are taking it from one school and giving it to another.

2084. Lord Justice FITZGERSON.—No, it is quite evident from the will of the Countess of Mount Alexander that her school was intended for both the boys and girls of Donaghadee, since then this second school for girls has been established, and the Mount Alexander thereby became a boys school. Will not your interests be completely protected if the Governing Body is constituted as the bishop asks. If the £10 cannot be applied for religious instruction in the school, it will be applied in some other way by the Governors, after consideration of your interests.

Rev. Mr. COOTE.—I agree to that.

2085. Lord Justice FITZGERSON.—What could be more reasonable than that you should go to the boys school on Wednesday, and on Friday to the girls school, and thus, instead of reading prayers in the empty parish church, you would be busy among the children. I think we ought to give power to the Governing Body, if the clergyman does not attend in accordance with their regulations, to provide that the money should not be paid to him.

Mr. Delacherois.—We might get an idle incumbent who would not do any duty at all, and whom you would therefore be paying for doing nothing.

2086. Lord Justice FITZGERSON.—Do you see any objection to the bishop being himself a member of this body, and also having power to appoint a nominee.

Mr. Delacherois.—How would the Governing Body stand then?

2087. Lord Justice FITZGERSON.—It would consist of the bishop and his nominee, the incumbent, the chancellor or his nominee, and the three proprietors of the estates.

Mr. Justice O'BRIEN.—If the bishop chose to attend himself on the board he would have a majority.

2088. Lord Justice FITZGERSON.—Unless he did attend he would not have a majority, but when he attended the result would be much the same as it is now, because under the scheme as it stands whenever the bishop attends he would be one of six, but as chairman would have a double vote, according to his present proposal he would be one of seven.

Mr. Delacherois.—We will trust the bishop in all future action. Will this scheme bind the Governors to exclude girls from the Mount Alexander School in future?

2089. Lord Justice FITZGERSON.—Yes; you do not want two girls schools. You have got one in the Leslie School, and the endowment of the Mount Alexander School, which will be for male pupils, is not sufficient for two schools.

Mr. Delacherois.—We had an inspector threatening to withdraw a grant, and I made application to the National Board to allow the taking of some young girls, and the schoolmaster has some of his own young children, which helps to keep up the average. However, as long as the National Board rules prevail I am satisfied.

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Lord Justice FRYGEMAN.—There are a number of other small matters which we need not now go into. We had letters from Mr. Delachere and also from the Rev. Mr. Coote. We have endeavoured to remove their objections, and if there are any objections remaining to the revised scheme we will endeavour to remove them now.

2090. Rev. Mr. Coote.—On page 6 it says—

"The incumbent shall mean the incumbent of the parish of Donaghadee for the time being, duly appointed in accordance with the constitution of the said Church, and shall include any clergyman duly empowered under the said constitution to perform the duties of the incumbent."

I think under that definition the incumbent might, in case of illness, be represented still upon the Board of Governors.

Mr. Justice O'BRIEN.—That is the meaning of it.

Rev. Mr. Coote.—I understood one of the Commissioners to say that the incumbent must be present to have any representation.

2091. Lord Justice FRYGEMAN.—There cannot be two Rectors in the field. If the incumbent is there no one else can represent him, but the term "incumbent" will include any gentleman doing the duty if regularly appointed.

Rev. Mr. Coote.—But in the case of the incumbent being ill, or absent from the parish, cannot his deputy, who is allowed to perform his other duties, act?

2092. Lord Justice FRYGEMAN.—Certainly, if he is recognised under the constitution of the Church, any gentleman merely going there to do a day's duty for the incumbent could not represent him, but if the

incumbent was ill or absent and applied to the bishop and got some one else licensed to act for him he would be recognised as incumbent.

Rev. Mr. Coote.—I did not mean one going there for a day, but for some little time.

2093. Lord Justice FRYGEMAN.—Anyone employed for a time, duly licensed, during any illness or absence of the incumbent or during any vacancy in the office can act, but not a visitor going there for a day or two. I never knew a visitor going to a parish for a day or two call himself "the incumbent," but if the bishop licensed another clergyman to do duty in the place of the incumbent he would be empowered by the constitution of the Church and the scheme to act.

Mr. Delachere.—There is one thing I would like to ask, and I am glad the Lord Bishop is present, do you not think quarterly meetings of the Governors would be too many?

The Bishop of Down.—I think two in the year would be enough.

Mr. Justice O'BRIEN.—Yes, because you can have special meetings as often as you like.

2094. Lord Justice FRYGEMAN.—The meetings may be reduced to one in each half year, but we must make provision that some one of the Governors shall visit the schools at least once a month. That is not too much to insist upon, when the incumbent is a Governor. Many schemes we have found arise from the fact that schools were not visited by the Governors.

This concluded the inquiry regarding Donaghadee schools.

SCHEME No. 30.—THE PAROCHIAL SCHOOLS OF THE DIOCESES OF DOWN, CONNOR, AND DROMORE.

OBJECTIONS AND AMENDMENTS.

Rev. T. J. WELAND, D.D., appeared on behalf of the Diocesan Council.

The following were also present:—Right Rev. The Lord Bishop of Down and Connor and Dromore, Van. Charles SEWER, D.D., Archbishop of Connor, Rev. Canon Sayers, Very Rev. E. J. Maguire, Dean of Down, Rev. Canon Harrick, J. J. Murphy, Esq.

Rev. T. J.
Weland, D.D.

2095. Rev. Canon Sayers.—I, with other clergymen present, represent a very large body of the clergy in the diocese. I may say that the amendments we suggest in regard to these schools have been adopted with unanimity. The first alteration we propose is with regard to the Governing Body, page 4, clause 2 of the Scheme. When this Scheme was first proposed to us, we understood it simply to be one of the trusteeship of property, but there appears to be a good deal following under the powers of the Board; we should prefer that the Bishop should be the only ex-officio governor.

Lord Justice FRYGEMAN.—I do not suppose there would be any objection to that on our part. At present this is a tripartite diocese and we have put in the three deans of the diocese as ex-officio.

2096. Rev. Dr. Weland.—I want to ask you, on page 6 where co-opted governors are spoken of, whether these co-opted governors would not retire from office every three years. They would not be elected for life?

Lord Justice FRYGEMAN.—Those whom you co-opt you can compel to go out after a month if you like. The Board can determine the terms of office.

2097. Rev. Dr. Weland.—Has the board itself, with the exception of the bishop, to retire every three years?

Lord Justice FRYGEMAN.—That might be a matter for the members of the Board themselves. Of course it will be necessary to fill up vacancies from time to time.

2098. Mr. Justice O'BRIEN.—Once a governor is co-opted, he possesses the same power of co-optation of other members. Is it to that you object?

Rev. Dr. Weland.—Suppose there were six members co-opted, and there was no provision made in

the first instance with regard to the tenure of office, that would be for life. They could keep themselves in the majority.

Dr. TRAILL.—Oh, no, there would be seven against them in such a case.

2099. Rev. Dr. Weland.—They would be co-opted for life unless there is some definition made of their period of office.

Dr. TRAILL.—The Board of Governors may from time to time define their term of office.

2100. Lord Justice FRYGEMAN.—Dr. Weland is quite right in saying that the co-opted men would have a voice in determining their own tenure.

Dr. TRAILL.—Perhaps you would like the number of co-opted members reduced to four.

2101. Lord Justice FRYGEMAN.—Remember this is your own doing. I have seen a large number of these schemes, and in the dioceses of Down and Connor and Dromore, which is the largest in Ireland, you have cut down the number of members of your Education Board to that of the smallest country diocese for which we have settled a scheme. You do not want any changes?

Rev. Dr. Weland.—I think not. The next section is No. 12, the gist of which is to give power to appoint local school authorities. It contains provisions to enable a clergyman if he is in charge, or for managers in charge for the time they hold office, that they shall not be disturbed; but as the section stands it would provide that if in any way the manager of a school retired from it, the Board has then the power to appoint local school authorities. In the first place we should wish that the latter clause of the first portion beginning with the words "the Board may arrange that, in the case of any existing school being continued as a parochial school" down to

the end of that clause should be omitted altogether. We think it is better not to introduce the subject of Select Vestries which are elected for different purposes altogether and might be entirely too numerous to act as a governing body of a school. Committees over schools are not advantageous, and it was adopted unanimously by the Diocesan Council to ask that this clause might be omitted. And I would also suggest that the first half of the first paragraph, "or of such parish in the district" might be conveniently left out.

2102. Lord Justice FRYGEMAN.—Here is the change suggested—

"In each parish or district in which any one or more of the Elementary Schools may be situated, the Board may from time to time establish or recognise a Local School Authority." [and so forth; and they] "shall fix the constitution and define the functions of each school authority; provided that the incumbent of the parish, if willing to act, shall in each case be ex-officio a member of the local school authority."

What we were contemplating in that case was a district which would consist of more parishes than one. I think by striking out the words you might have the very opposite of what you intended.

Rev. Mr. Welland.—I think there was some difference of opinion about the meaning of that.

2103. Lord Justice FRYGEMAN.—I think the words you wish to strike out ought to stay in.

Rev. Mr. Welland.—Then we object to the word "ex-officio."

2104. Lord Justice FRYGEMAN.—Why do you strike out "ex-officio"? I think that might have very well stayed in.

Rev. Dr. Welland.—It arose out of a discussion about making our clergymen chairmen.

Lord Justice FRYGEMAN.—I think "ex-officio" should stand here because it would show how he held. Instead of the words "or of each parish in the district," we could put in "of each parish in the district, if there be more than one." That would allow the original words to stand.

2105. Mr. J. J. Murphy.—In line of the two paragraphs next following, beginning with the words respectively "Provided that so long as the clergyman holding office," and "Provided also that so long as the manager," the Diocesan Council proposes to substitute the following. For the first paragraph we propose to substitute the words:—

"Provided that the schools of, and belonging to, any parish in which any elementary school then existing shall be in efficient operation, and under the management of the incumbent of such parish, shall continue to be managed and administered as if this scheme had not passed, save so far as the said incumbent or his successor for the time being shall otherwise consent in writing under his hand."

For the second, we would propose the following:—

"Provided also that so long as the manager, managers, or other governing body of any elementary school in efficient operation at the date of this scheme, and their successors duly appointed as aforesaid shall continue to maintain the same, the said school and the endowments thereof respectively shall continue to be managed and administered as if this scheme had not passed, save so far as the said manager, managers, or other governing body, or their successors for the time being, shall otherwise consent."

Very Rev. the Dean of Down.—Before we go that far, the word "school authority" might be better defined. It might mean the manager alone.

2106. Lord Justice FRYGEMAN.—I do not think it would, the way it stands. The paragraph says "consisting of one or more persons as the Board may think expedient."

Dr. TRAILL.—Where the words "local school authority" are applied, they always mean something different from the clergyman, and I think it should mean the clergyman if he is the sole controlling authority.

2107. Lord Justice FRYGEMAN.—We could not put in a special paragraph in a clause stating that the clergyman was some one of the other persons.

Rev. Dr. Welland.—I think it is not quite sufficient; the clergyman may be the only school authority.

Dr. TRAILL.—I think it should be quite clear that if there is to be only one clergyman, and he the only school authority, it should be so defined in that place.

2108. Lord Justice FRYGEMAN.—Look what it goes on to say:—

"The Board shall fix the constitution, and define the functions of each local school authority."

Rev. Dr. Welland.—I think that may go out. With that proviso I can pass over that last section. In the next two clauses we have suggested that not only shall the clergyman, if he holds office, continue to be manager of the school, but his successors also; because this clause in general seems to imply that as soon as he retires from the parish, or even before that, some other local authority may be appointed in his place, and what we propose for that are the words which read in this way:—

"Provided that the schools of, and belonging to, any parish in which any elementary school then existing shall be in efficient operation, and under the management of the incumbent of said parish, shall continue to be managed and administered as if this scheme had not passed, save so far as the said incumbent or his successor for the time being shall otherwise consent in writing under his hand."

Lord Justice FRYGEMAN.—The only person you have to satisfy about this is Dr. Traill.

2109. Rev. Dr. Welland.—We also propose the following instead of the next paragraph:—

"Provided also that so long as the manager, managers, or other governing body of any elementary school, in efficient operation at the date of this scheme, or their successors duly appointed as aforesaid, shall continue to maintain the same, the said school and the endowments thereof, respectively, shall continue to be managed and administered as if this scheme had not passed, save so far as the said manager, managers, or other governing body, or their successors for the time being, shall otherwise consent."

Lord Justice FRYGEMAN.—That shall also be considered.

2110. Rev. Dr. Welland.—We also propose with regard to the following paragraph, in the fifth line, that after the words "shall appoint," the words "and discontinue" shall be inserted.

Dr. TRAILL.—There can be no objection to that. 2111. Lord Justice FRYGEMAN.—There is one verbal alteration I would like to see made. We are very anxious to secure that none of these rights shall override the efficiency of the schools. Your first provision is this—and now I want you to pay strong attention to it:—

"Provided that the schools of, and belonging to, any parish in which any elementary school then existing shall be in efficient operation, and under the management of the incumbent of said parish, shall continue to be managed and administered as if this scheme had not passed, save so far as the said incumbent or his successor for the time being shall otherwise consent in writing under his hand."

You do not make the condition that the school shall be in efficient operation. Your next sentence is:—

"Provided also that so long as the manager, managers, or other governing body of any elementary school in efficient operation at the date of this scheme, and their successors duly appointed as aforesaid, shall continue to maintain the same, the said school and the endowments thereof, respectively, shall continue to be managed and administered as if this scheme had not passed, save so far as the said manager, managers, or other governing body, or their successors for the time being, shall otherwise consent."

Surely that proviso should only take effect so long as the schools are maintained in efficient operation.

Dr. TRAILL.—The words, "at the date of the scheme" should not go in.

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Welland, &c.

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Wallford, D.D.

Rev. Dr. Wallford.—I do not think we need lay any emphasis on that difference.

2112. Lord Justice FRANKLIN.—Oh, yes; but the effect is entirely different.

Dr. TRAILL.—The intention was clearly that not only should the school be in efficient existence at the time of the scheme, but should also be found efficient at all subsequent times.

2113. Lord Justice FRANKLIN.—What I would suggest is to make the first proviso read like this:—

"Provided that the schools of and belonging to any parish in which any elementary school then existing shall be in efficient operation, and under the management of the incumbent of said parish shall continue in efficient operation,"—and so on. And similarly in the other proviso I would insert the words, "Shall continue to maintain the same in efficient operation."

May I take a note that you understand that if the school ceases to be in efficient operation at any time the protection of the proviso is withdrawn?

2114. Dr. TRAILL.—Who is to decide that?

Lord Justice FRANKLIN.—The Board, I suppose.

2115. Rev. Dr. Wallford.—The next objection I have to mention is in Clause 13 at the top of page 10. It is in the middle of that clause where it reads:—

"Whenever any elementary school shall, in the opinion of the Board, have ceased to be in efficient operation, the Board may, with the consent of the Diocesan Synod, dispose of the site, buildings, and other endowments thereof, and may apply the same, or the produce thereof, for such of the purposes of this scheme as they shall think fit, or may retain buildings no longer required as schoolhouses for other parochial uses or purposes."

In the previous part of that section, the consent of the local school authority, or the parties concerned, is mentioned, and we think that that should also appear in the part we are referring to. Between the words "with the consent" and "of the Diocesan Synod" we propose to insert "of the local school authority or authorities."

Dr. TRAILL.—That is, the consent of the local authority should be required for the discontinuation of the school and also for its sale.

2116. Lord Justice FRANKLIN.—There is a difficulty in that. There are a number of schools which have ceased to be efficient. They are still school property; but there is no school authority to sell or to give consent to sell them, and I think you would make that power almost useless, if you prevented it being over-exercised in this direction.

Dr. TRAILL.—Could you say "with the consent of the local school authority, if any?"

Rev. Dr. Wallford.—We think the local authorities connected with the parish or with the school should have a voice in the matter.

2117. Lord Justice FRANKLIN.—We should say—

"Nor shall any sale take place without giving notice to the select vestry of the parish, or clergyman and select vestry of the parish, that they may send notice within a certain time, and that such sale shall not be carried out without the consent of the Synod."

Rev. Dr. Wallford.—I think the local authority should have a voice in the matter and not be over-riden. That is all.

2118. Lord Justice FRANKLIN.—Here is the outcome of what should be done:—

"Whenever any elementary school shall, in the opinion of the Board, have ceased to be in efficient operation, the Board may, with the consent of the Diocesan Synod, dispose of the site, buildings, and other endowments thereof, and may apply the same, or the produce thereof, for such of the purposes of this scheme as they think fit, provided always that before proceeding to dispose of the endowments of any school existing at the date of this scheme, the Board shall give public notice of their intention so to do, and shall also give special notice to the incumbent of the said parish, and the Secretary of the Select Vestry thereof, and if any person shall object to the

proposed disposal within one month afterwards, the Board shall not proceed to carry out their intention unless the same shall be sanctioned by the Synod."

2119. Dr. TRAILL.—It was at the request of the Council that this notice was left out, and the matter left to the Diocesan Synod. They objected to one month as being too short, and it was thought much safer to say that it could not be done without the sanction of the Diocesan Synod, which generally meets in November.

Rev. Canon Hartick.—Ought they not to be informed also of this proceeding of the local authority?

2120. Rev. Dr. Wallford.—There are cases of schools which for some local or temporary reason may become inefficient. A clergyman must look after it, and perhaps for a year or more the school is inefficient. Under this clause the school could be sold, and the proceeds applied by the Board without any reference to the representatives of the parish, their consent not being required.

2121. Lord Justice FRANKLIN.—It appears that was done with the view to protecting the interests of the parish.

Dr. TRAILL.—The original clause was said to provide too short a notice. I am in favour of requiring the consent of the local school authority and of the Diocesan Synod. If you think the Diocesan Synod does not sufficiently protect you I am willing to insert the words "local school authority, if any."

2122. Rev. Canon Hartick.—What effect would that have upon school property built on a site belonging to the Church, say in the churchyard for instance, or a site in the rector's grounds?

Lord Justice FRANKLIN.—You could not sell any property of that kind without the consent of the Diocesan Synod. If it was useful for any church purpose the Diocesan Synod would refuse to allow it to be disposed of. In all these cases we will not sign any of the schemes until there is produced to us the written consent of the person or body in whom the property is vested. We got schemes from the Church Body which are carefully noted.

2123. Rev. Dr. MOLLER.—Should you like to give the school authority the absolute veto?

Rev. Dr. Wallford.—I think it would be a local protection.

2124. Rev. Dr. MOLLER.—Notwithstanding any inefficiency that might exist, would the local school authority have an absolute power to prevent the sale?

Rev. Dr. Wallford.—We would not wish that.

Dr. TRAILL.—We have put in other words:—

"The Board may, with the consent of the Diocesan Synod, dispose of the site, buildings, and other endowments thereof, for such purposes of this scheme as they shall think fit, and may retain buildings no longer required as schoolhouses for other parochial uses or purposes."

We put in those words in order that such buildings, if not required as schools, should be used for other parochial purposes.

2125. Lord Justice FRANKLIN.—After a very great deal of labour, we settled a scheme which was carried into force in the Diocese of Cork. Subsequently we very carefully framed schemes for Ferns and two other dioceses when all these points were fully considered and discussed. The amendment you suggest appears to have an opposite effect from what was intended, viz.:—You strike out the provision which was intended to protect localities, and you make the people absolutely slaves to the Diocesan Synod. A resolution might pass the Synod; nobody would hear of it; and the whole property might be sold off. You are now trying to restore a portion of what you destroyed, and the thing you are proposing to put in will undoubtedly have the effect of rendering the whole clause nugatory in every case where the school authority does not exist, or, existing, is determined to maintain an inefficient

school—the very authority that you ought to have some power over. You must make up your minds whether you are going to submit to authority or not. If you are going to submit to any authority, this authority must have power to deal with all cases of inefficiency and abuse. If you do not, every authority will be master of itself.

Ven. Charles Scaer, D.D., Archbishop of Cologne.—Might not every manager be unwilling to take advantage of this Scheme, because for inefficiency he might be deprived of his school?

Lord Justice FRANKLIN.—If they object to it, they need not come into it. With regard to the case of a clergyman wanting to put buildings to other purposes, it would be rather a breach of trust, because school property should not be used for other purposes. I would suggest to you that you should reserve some such provision as was here before—that is, that there should be some opportunity given for making objection.

2125. Rev. Dr. MOLLOY.—Would it not be fair to put in a clause, that notice should be given to every school authority before such resolution could be brought on?

Dr. TRAILL.—I would be in favour of such a clause provided the notice were not too short. I would suggest three months.

2127. Rev. Dr. WELLS.—The next amendment is in Clause 15; but I think from what we have heard now that there is hardly any use in having such discussion over it. It is simply the omission in the opening sentence—"The Board, with the concurrence of the local school authority, if any"—of the last two words, and everywhere else that they occur.

Lord Justice FRANKLIN.—That should stand.

Archdeacon Scaer.—You cannot suppose Church Education societies to consent to that—giving the power to place schools under the National Board by the local school authority.

2128. Dr. TRAILL.—Are you not protected, if you, as a local school authority, can refuse your consent?

Lord Justice FRANKLIN.—If I, as a layman, established a school, of which the clergyman was not manager, he would have no right to come in and say: "I will not allow this school to be put under the National Board."

Mr. J. J. Murphy.—I think the rights of existing clergymen, and patrons of schools and their successors, are amply safeguarded by the two paragraphs in Clause 15.

2129. Rev. Dr. WELLS.—The next clause to which we object is Clause 17—the clause about religious instruction; and it is suggested very strongly by the Diocesan Council that it would be better to omit that clause altogether. It has reference to the internal management of the school, as it were, in the matter of religious education, which might be left under the proper authorities of the school. It is likely to cause division, and, in that, we fear, would keep out of the Scheme a number of Church Education schools which we would all wish would be included.

Dr. TRAILL.—You think it would be better to omit the clause altogether than try to alter it?

2130. Lord Justice FRANKLIN.—It is very clear what the effect of the alteration would be. It would be to take this clause out of an exclusively Church Scheme, which provides that there shall be religious education for the children in your charge in every school under the Scheme, rather than agree on the terms in which the religious instruction is to be given. Would you like to leave out the obligation to give it at all?

Rev. Dr. WELLS.—That would be our own doing. Archdeacon Scaer.—You are putting in the conscience clause, which we object to.

2131. Mr. Justice O'BRIEN.—Would you rather have the scholars without the conscience clause?

Archdeacon Scaer.—You do not protect our consciences. There never was such an scheme.

Dr. TRAILL.—I think in these parochial schools you will feel that it is incumbent upon the clergymen to give religious instruction.

Lord Justice FRANKLIN.—There ought surely to be some provision in the Scheme for religious instruction being given in the schools.

2132. Dr. TRAILL. (to Archdeacon Scaer).—Will you accept the first three lines of the clause as it stands?

Professor DOUGLASS.—Do you propose to omit the conscience clause? I know schemes in which you have insisted upon it!

Lord Justice FRANKLIN.—This conscience clause has, in successive schemes, been discussed, and it has taken the form in which it now stands as showing on the face of it that it is open to any clergyman or manager of a school to decline to receive any children who do not belong to his own denomination, and that no obligation rests upon him to receive such children; but if he does, that the only restriction put upon him is that he shall not give these children religious instruction to which their parents have objected. Surely, if a clergyman voluntarily receives a child belonging to another denomination, there are only two ways and two conditions under which religious instruction can be given. If without the knowledge of the parents, it would be immoral, and if against the will of the parents, it would be illegal.

Rev. Canon HARTSHORN.—That is never done.

2133. Lord Justice FRANKLIN.—Then I would like to know what objection there is to this conscience clause? These schools are all to be administered under a system created by an Act of Parliament, and provision should be made that nothing unlawful or wrong could be sanctioned. I am not suggesting for a moment that the thing would be done, but I would like to know the objection.

Archdeacon Scaer.—The objection is that the rule of the Church Education Society is that every child there shall read a portion of the Scripture according as that child's capacity can receive it.

2134. Lord Justice FRANKLIN.—Whether the parent objects or not? How can that be done in the case where the parent objects?

Archdeacon Scaer.—Withdraw the child if the parent's conscience is against the conscience of the patrons of the school.

2135. Lord Justice FRANKLIN.—They must give way, one or the other, or the child is withdrawn.

Archdeacon Scaer.—That is what we contend. We cannot oblige a clergyman to give up his conscientious views towards every child in the parish.

2136. Lord Justice FRANKLIN.—Then the duty of the clergyman is not to receive the child. In the case you put, the child would be withdrawn and the conscience clause would not apply.

Archdeacon Scaer.—You give power to the parent to say yes or no, and the parent, acting on that, withdraws the child. We cannot give the parents that right. We think that right is usurped by the parents.

2137. Rev. Dr. MOLLOY.—You propose to exercise your power by not receiving the pupil?

Archdeacon Scaer.—No.

2138. Rev. Dr. MOLLOY.—You require every child in the school to receive the religious instruction which you give?

Archdeacon Scaer.—Yes.

2139. Rev. Dr. MOLLOY.—But then if the parents object to their children receiving this instruction—you do not receive the children?

Archdeacon Scaer.—Yes, if the parents send the child.

2140. Rev. Dr. MOLLOY.—And you send them away if the parent objects to the instruction?

Archdeacon Scaer.—Yes.

2141. Dr. TRAILL.—Have you ever had a case in which you had a child and taught it the Scriptures against the will of the parent?

Rev. Canon *Hartwick*.—I do not think that has ever happened.

Lord Justice *Fry-Gibson*.—No, it could not happen in any school morally controlled.

2142. Mr. *J. J. Murphy*.—I think the conscience clause is not only endurable, but right. But other men that I respect have differed from me on this point, and I think it would be judicious on the part of your Commission to waive the conscience clause altogether, and not shut out these schools, which are in the hands of the clergymen belonging to the Church Education Society, from the advantage of being vested in the Board. The Church Education Society has been, since the Disestablishment of our Church, a decaying society, and in a generation will be non-existent, and there will be nothing to argue about; and it seems to me—indeed I thought so when we were discussing the matter at the Diocesan Council yesterday, where I expressed the same views I have expressed to-day—that there is nothing in the clause to fight about, because the attempt to scraggle religious education into the minds of children against the will of their parents, is so improbable that it is unnecessary to take safeguards against it. That argument of mine goes equally against the scruples of the Church Education Society, who appear to me to be fighting for an imaginary principle; but they think it real, and I think this ought to be regarded as a matter of worldly prudence, and that it is much better to let these schools be managed as they are under the rules they are now pressing here, and wait for the society to die out, than to shut them out from the advantages of the proposed Board.

2143. Professor *Deane*.—What proportion of the schools in the diocese are under the Society?

Archdeacon *Seaver*.—Between 70 and 80.

Mr. *J. J. Murphy*.—There are more schools than parishes.

Rev. Dr. *Mottet*.—The Church Education Society schools can be transferred to the governing body under this scheme at any time the scheme comes into existence, if the managers of the schools desire it.

2144. Lord Justice *Fry-Gibson*.—I have done my best to understand the objection put forward, and I fail to see it. If there are no children attending any particular school except the children belonging to the members of the Church, no conscience clause whatever attaches to that school under this scheme. If children of different denominations are attending any of these schools, this clause will have no effect unless the parents of these children specifically object to their receiving religious education. And therefore the only case to which this clause applies is a case in which a child not a member of the Church is attending a particular school, and whose parent has warned the manager that he objects to that manager giving religious instruction to the child. Under those circumstances, what Church society or what moral society could insist on giving instruction against the parent's objection? If the child is withdrawn, the clause does not apply; and therefore I would like to understand what we are to do, because if, after this discussion, it is said that such a right is claimed, we, as a public authority, cannot leave out a clause dealing with the matter, when we are distinctly told that it is insisted upon for the purpose of carrying out what is against law and morals both. I have tried to state very clearly my difficulty, and I would be very glad, indeed, to hear to what cases this objection can apply.

Archdeacon *Seaver*.—If I had a private school, and the parent of any of the children in my parish—I held that I am bound to act as a Christian minister towards the children in my parish—comes and says, "You must take my child into your school, but not speak to him on the subject of religion," which this clause empowers me to do—

2145. Lord Justice *Fry-Gibson*.—It does not. If this school were like a National school, where the parent can say to the teacher, "You must take my

child, but not teach it religion," the question might arise. But this is not so, and the question only arises after there has been a voluntary act on the part of the teacher in receiving the child after objection. We do for you, as we have done in other cases, that it shall be open to the manager to decline to receive the children of another denomination, or whose parents object to the child receiving religious instruction in the school; but if he does take them after objection, how can he object to this clause?

Archdeacon *Seaver*.—It seems to me that the parent can insist upon the child coming to the school, although he may refuse to allow it to be taught religion.

2146. Very Rev. the Dean of *Down*.—How would you act in the case of a parent coming to you now and saying, "I object to your teaching it religion." What would you say?

Archdeacon *Seaver*.—I must speak to it on the subject of the religion, if I am to do my duty as a Christian minister.

2147. Rev. Dr. *Mottet*.—You want to insist on the principle that all children attending the school shall receive religious instruction?

Mr. Justice *O'Brien*.—He contends upon the right, as a matter of duty and conscience, to teach the religious principle.

2148. Lord Justice *Fry-Gibson*.—We have never put conscience clauses in schemes for schools in which it is understood that the pupils are to belong to one denomination. The governing body are made up exclusively of one denomination, and the children are all of one denomination. I think the very utmost we could possibly do in the matter is to make it plain on the face of this clause—perhaps a little more plain than it is now—that no one has a right to require a clergyman to receive a child if the parent objects to its receiving religious instruction.

Very Rev. the Dean of *Down*.—May I ask you, in those schools where the children are exclusively of one religious denomination, are the governors bound to refuse children of other denominations?

2149. Lord Justice *Fry-Gibson*.—They are bound to do it. The qualification for admission is that the child should belong to the particular denomination. I do not think we could possibly go beyond that, and I think it will be plain to everyone that the only case where the conscience clause could affect either the teacher or the child would be a case in which the giving of religious education would be wrong. Speaking as a public authority myself, I would not feel myself at liberty to leave that clause out.

2150. Rev. Dr. *Widdow*.—Our next amendment is with reference to the clause of the 20th section as page 11. I would suggest the omission of the words—

"In the case of any parochial school, institution, or endowment not hereby vested in the Board, the Board may recognise the Select Vestry of the parish to which the same may belong as the governing body for the purposes of this clause."

We do so for the same reason as before. We would prefer that the Select Vestries should not be mentioned.

2151. Lord Justice *Fry-Gibson*.—This clause has a totally opposite effect from the one you had before. It may save you a large amount of unnecessary costs. The earlier portion of this clause empowers your Boards to take assignments and transfers of trust property. There is no more common condition for Church property to be found in than that the trustees have all died or cannot be ascertained; and the intention of this clause was to enable you to take the official representatives of the laymen of the parish through the vestry as being sufficient for the purposes of the clause—a sufficient governing body to give the consent.

Mr. *J. J. Murphy*.—Then, in the event of a school becoming deserted through the want of any living trustees, it would revert to the Select Vestry?

Lord Justice FRYGROVE.—No; but that it would empower the Select Vestry to give their consent that the school should be taken over by the Board.

2152. Rev. Dr. WELLS.—Now we come to the inspection clause, sec. 39, page 14. The inspection by the Inspectors of the National Board is recognised in the case of schools that are connected with the National Board; and in order to enlarge the thing as much as possible, we wish that some clause could be brought in as follows:—

"Provided that in the case of schools not in connection with the Commissioners of National Education, the Inspectors usually employed in connection with such schools shall be recognised as the Inspectors under this Act."

The Council are afraid of a hostile inspection which might tell against the interests of the schools.

2153. Professor DOUGHERTY.—Would they be satisfied with the appointment of the Diocesan Inspector?

Lord Justice FRYGROVE.—We can make it the duty of the Board to either appoint or recognise an Inspector in the case of each school, and then make him the Inspector for the purposes of this clause. This clause can in no way override the Act. We have no power to prevent the Lord Lieutenant from appointing an Inspector in all these cases. This is only a clause to deal with the case of his not doing it.

2154. Mr. J. J. MURPHY.—Would the difficulty not be met by substituting the word "may" for "shall" in the sentence "In the case of schools not in connection with the Commissioners of National Education, the inspectors usually employed in connection with such schools may be recognised as the inspectors under this Act"?

Lord Justice FRYGROVE.—I think it would be much better for you to put in the express provision that there shall be an inspection of every school. Unless you do so, the scheme will be perfectly useless.

2155. The Right Rev. the Lord Bishop of Down and Connor and Drogheda.—We have in the diocese what is called the Board of Religious Education, and the Inspector under that Board inspects schools that are admitted, and there is nothing in his instructions to disqualify them from such visitation.

Dr. TRAILL.—But he is only an inspector of religious education, whereas this clause requires an inspector for both religious and secular education.

Archdeacon SEAGER.—I think each Board is entitled to have their own inspector.

2156. Lord Justice FRYGROVE.—Provided your inspector is accepted by the Diocesan Board. I think we ought to be careful about the thing, and say on the face of this scheme that, whenever there is no Lord Lieutenant's Inspector, it will be open to the Diocesan Board to appoint or recognise somebody for each school, and to recognise Mr. Darley in the one case and the Church Education Inspector in the other.

Mr. Justice O'BRYEN.—The Act says—

"Every scheme shall provide for the periodical inspection by an Inspector to be appointed by the Lord Lieutenant of any school sharing in any endowment."

It gives no power to appoint or substitute any other inspector except the inspector appointed by the Lord Lieutenant. There is the express Act of Parliament, and you have no power to do any more.

Lord Justice FRYGROVE.—Not only has the clause been introduced in a good many schemes, but it has been discussed by the Privy Council.

Rev. Canon HARTRICK.—We have scarcely any endowed schools, except you call the house an endowment. Except those well endowed, they have gone over to the National Board, and the eighty or ninety left now have little or no endowments except when the landlord or some gentlemen in the locality of each school provide premiums and prizes for the children. But there is no actual endowment at all.

2157. Rev. Dr. MOTT.—It is only after a school has got an endowment that we can deal with it at all; but the school buildings may be regarded as a sufficient endowment for the purpose.

Archdeacon SEAGER.—You see the difficulty about the word "efficiency." The meaning is not fixed. I might give it a capricious meaning.

2158. Lord Justice FRYGROVE.—The question is one of tribunal. To what authority do you propose to submit the question of efficiency?

Archdeacon SEAGER.—Our own inspector.

2159. Lord Justice FRYGROVE.—But would not that be an appeal from himself to himself. He would report that the thing is efficient. They will have their inspector and he will report that it is inefficient.

Rev. Dr. MOTT.—You allow an appeal to the Diocesan Synod.

Mr. J. J. MURPHY.—You have allowed that in the draft scheme, and I do not see how that could satisfy anyone.

Archdeacon SEAGER.—You make no provision here that any Inspector except the National Board Inspector shall inspect the school.

2160. Lord Justice FRYGROVE.—No, the Inspector of the Board mentioned there is the Diocesan Board, and we will put in for you an obligation on the Diocesan Board either to appoint or to recognise an Inspector in the case of every school. Where it is a National school, the National Board Inspector will be the man, and where it is not a National school the Board may either appoint their own Inspector or recognise yours. But we cannot absolve them from the duty of seeing that he is an efficient man.

Archdeacon SEAGER.—That would satisfy me.

2161. Lord Justice FRYGROVE.—We will put in a proviso that before a school is declared inefficient there shall be an opportunity of appeal to the Synod. All these provisions about what is called voluntary supervision are outside the Act of Parliament. The Act of Parliament unconditionally requires that every school shall be subjected to inspection by an Inspector to be appointed by the Lord Lieutenant. If he chooses to appoint him we have no power to interfere with his rights, but if he does not choose to appoint him he certainly would appear to be going against the intentions of the Act.

Archdeacon SEAGER.—And he might appoint our Inspector as well as his own Inspector.

2162. Rev. Dr. WELLS.—The only other thing is in the last clause—clause 38, where power is given for the alteration of the scheme—

"From time to time by the Commissioners of Charitable Donations and Bequests for Ireland, in any manner whatsoever, upon the application of the Board, or of the General Synod, or of the Diocesan Synod."

We suggest the omission of the words "of the Board" and that it should be only on the application of the General Synod or the Diocesan Synod.

2163. The Dean of Down.—As I am the only Dean present nominated provisionally as an *ex-officio* member of the Board, I would beg to call attention to the following clauses of this scheme. Clause 29 says:—

"The Board shall cause to be kept regular accounts of all their receipts and disbursements, &c."

Now the work required to be done according to this, will need a clerk specially for the purpose, and this will be an immediate purpose, and we cannot get a clerk without paying him a salary. Then lower down in the same clause it says:—

"The Local Government Board may fix, and the Board shall pay, such reasonable sum as shall be necessary to defray the cost of audit."

Then at the top of page 15:—

"Whenever an Inspector shall be appointed by the Lord Lieutenant."

The remuneration of such Inspector shall be defrayed by the Board, and you tell us we shall soon have such

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Wallace, &c.

an inspector. Then on page 16, with regard to the payment of expenses:—

"The Board shall, subject to the other provisions of this Scheme, pay out of the income of the endowments, all charges which, under the provisions of the Act, shall be properly and necessarily payable by them, for the taxed costs and expenses of this scheme, or for audit and inspection, or for other purposes."

And again at page 17:—

"The Board shall cause this scheme to be printed, or shall procure printed copies thereof, and shall keep the same for sale at a reasonable price."

Now all this implies a large expenditure of money, and as we are to act until next October, and as the Board may be chargeable with very large amounts of money for expenses, I want to know where we are to get the money.

2164. Lord Justice Fitzgerald.—In the first place, there will be no expense to incur at all until the scheme comes into force, and it cannot come into force until finally approved of by the Lord Lieutenant. As regards the question of funds, you are in the same position as nearly everybody else.

2165. Dr. TRAILL.—In many cases there are no funds at all—only houses.

Mr. Justice O'BRIEN.—In that case the Dean could pay himself.

The Dean of Down.—It has a very serious side to it.

2166. Lord Justice Fitzgerald.—It is not so serious as you represent. In every case where you have to administer funds, the cost must be paid out of the funds themselves. I will relieve your mind upon some of the matters. We have now got a considerable experience of the auditing. It has been satisfactorily arranged with the Lord Government Board, and the highest fee they have charged is three guineas, and in some cases it has been as low as £1. The expenses of the diocesan scheme we ever published ran to £12. It depends entirely on the cost of advertisements, and, as regards the printing of the scheme, you only have to order them as you want them from Thorne's. This is a voluntary scheme, and the payment of the inspector must be out of whatever funds you raise. If you raise no funds you will have no liability and probably no inspector.

2167. Rev. Canon Harwick.—Might I ask you a question with regard to this scheme? In what position do you stand, or does the scheme stand, with regard to the Church Education Society? There are a good many of these schools, voluntary schools and independent schools under clerical management and lay management, and is there any power in your commission to force these independent schools—small but useful schools—under this scheme?

2168. Lord Justice Fitzgerald.—Not the smallest. All these diocesan schemes are what we call "consent schemes," and, before we sign them, our officers are obliged to certify to us that they have a written consent for every school to which the schemes apply.

That written consent is the written consent of the governing body of the school, and the governing body of the school, under our Act of Parliament, includes all persons in whom the schools are vested. Many of the schools are vested in the Representative Church Body, and, as regards these schools, we act on the consent of the Representative Church Body. If there is any particular clergyman who desires to object to his school or the school of his parish being included, he must appeal to the Representative Church Body in all cases where such schools are vested in the Representative Body. There are many other schools which are vested in private individuals, and in these cases we require the written consent of the individual himself. No one can force any school into this scheme unless either the management or the property is vested in somebody who consents. But either can do it. No matter who the owner of the property is, if the manager consents, he can bring it in. On the other hand, if the manager objects, and the owner of the property wishes to hand it over to the Board and wash his hands clear of it, he can do so.

Dr. TRAILL.—But the manager's rights are preserved under the Scheme.

Rev. Canon Harwick.—I can only say for myself that I owe the expression of my thanks to the Commissioners for the trouble and care that they have taken; and I may say that I am one of the first in the diocese who has endeavored to do something for the schools, and tried to ascertain as much as I could what schools belonged to the Church Education Society, and I must say that the whole thing turned out very different from what I had expected, and from what our friends, who fought with me, had expected. We only wanted to secure the property of the schools—the Church schools—to the Church, and to prevent, if possible, any portion of that property being lost in future. We never contemplated a scheme such as you have devised for the advantage of school education in the country; and I will only say I hope it may be prosperous and successful and beneficial to the country at large. I think it would have been better had the present Commission not touched religious education, especially as the State has separated itself from religion altogether, but confined their attention to the secular instruction of the schools, and left the religious instruction to the clergy of the several Churches.

2169. Lord Justice Fitzgerald.—You ought to bear in mind that what you suggest we might do is a thing we possibly could not do. It would be simply to secure property without declaring what was to be done with it when it was secured. Our only duty is to declare the trusts on which property is to be managed, and therefore we are obliged, when any property came under the scheme, to declare what these trusts should be.

Rev. Dr. MOLLAT.—All we can do is to construct a frame-work, and you can put your school into it, or keep it out, as you like.

MOTARGET SCHOOL AND RESIDENCE.

2170. Rev. John Jackson (Ballycastle).—Moyarget School was built by public subscription, through the efforts of the late William Hill of Moyarget, a member of Ransome Presbyterian Church, which is in the Presbytery of Route. Originally there were two schools—male and female—under the management of Mr. Hill and the minister of the congregation. He guaranteed the female teacher's salary, and paid the deficiency when the fees did not reach the amount guaranteed. In the course of time the female school lapsed, and the room in which it was held was turned into a residence for the teacher of the other school, which now became a mixed school—male and female. The school-house and residence have been kept in repair

partly by public subscription and partly by contributions from the Committee of Ransome Presbyterian Church. The minister of that church is the Rev. Elias Johnston, who is patron in succession to the late Rev. W. G. Boyd, who was minister of Ransome Presbyterian Church. On behalf of the Route Presbytery, I ask that Moyarget School be struck out of the schedule.

Mr. David Morrow.—As regards Moyarget School it is stated in the schedule under "In whom vested," "Not known."

Rev. Mr. Jackson.—I should like to hear the claim on behalf of the diocese regarding the Moyarget School.

2171. Lord Justice FRYGROVE.—It is stated in their schedule that it is "not known" in whom it is vested.

Rev. Mr. JACKSON.—It is better for the Diocesan Synod to investigate their case.

2172. Lord Justice FRYGROVE.—It must go out

of the schedule unless we get further information. Moyagat School could not remain in the schedule as it at present stands, and you may assume it will go out. If any additional evidence should be furnished to us it will be sent to you.

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BENDCORAGH SCHOOL.

2173. Rev. John JACKSON.—Bendcoragh School is stated to be vested as the private property of the Rev. James O'Hara. I would like to hear a statement of that case.

2174. Lord Justice FRYGROVE.—The statement of that is that it is on Mr. O'Hara's property.

Dr. TRAILL.—Mr. O'Hara will be written to about it, of course.

2175. Professor DOUGHERTY (to Rev. Mr. JACKSON).—Have you any evidence to produce?

Rev. Mr. JACKSON.—I have. The ground on which the school stands was leased to three Presbyterian trustees—the Rev. Robt. Park, Mr. Cooper, and Mr. Fisher, for the erection thereon of a public school. It has been kept in repair since by the people of the locality. It was built partly by public subscriptions raised in the district, which is almost entirely Presbyterian. The school is now, and has been for many years, in the possession of the Presbyterians who have had a Sunday School in it for a lengthened period. I can submit to you an extract from the statement submitted by the Rev. Robt. Park to the Commission appointed by Parliament to inquire into these matters in 1834:—

"A new schoolhouse is in the way of being built, to which the Education Society have granted most kindly £20. The school is in connexion with the Education Society, Kildare Place, since November last. That connexion was formed in consequence of an application by the Rev. Robert Park for aid in building a schoolhouse. So far as the present circumstances of the school will permit, the rules of that Society are strictly adhered to. A committee of the subscribers to the erection of the new schoolhouse has been

formed, but no superintendence has yet been exercised by them. The Rev. Robert Park, the Presbyterian minister, has occasionally visited at the school; has not regular days for visiting, nor does he otherwise than by advice encourage a strict adherence to the rules of the Education Society. The Presbyterian minister has been more particular since the connexion with the Education Society in November last. The school is attended by thirty-six males and twenty-three females—two of Established Church, fifty-four Presbyterians, three Roman Catholics."

I submit also a declaration signed by a man named Daniel Cooper, born in the townland of Bendcoragh eighty-two years ago.

2176. Lord Justice FRYGROVE.—Is the lease in perpetuity forthcoming?

Rev. Mr. JACKSON.—I have not been able to find it.

2177. Lord Justice FRYGROVE.—What is the use made at present of this building?

Rev. Mr. JACKSON.—A Sabbath school is held in it. I do not think the Kildare Place Society would have made the grant unless a proper lease had been made. The Presbyterians have held a Sabbath school in it for many years.

2178. Dr. TRAILL.—I suppose it would be well to inform Mr. O'Hara of these facts as soon as possible. I am sure he would come no difficulty in the matter, and he might find this lease, so that the subject could be cleared up at once. Mr. O'Hara is an old man, and his son possibly does not know all about it.

Rev. Mr. JACKSON.—The Rev. Mr. Park was manager of the school from the time it was built.

2179. Dr. TRAILL.—Oh, I am not doubting your statements at all.

QUANDRORR SCHOOL.

2180. Rev. Samuel A. BREWSTER.—I am the present incumbent of Quandrorr. I was appointed in the year 1867. A dispute arose between the McNeill family and myself as regards the school, and on March 7th, 1868, I brought an action to a hearing before Judge Morris. The present Recorder for Dublin was one of my counsel, and in this very room my solicitor and Mr. Edmund McNeill discussed the point. It was a matter for the benefit of the Church; the school was built by subscription, and no rent had been paid to the McNeill family for over 25 years. Edmund McNeill would not agree to the terms, and I saw the only thing would be to bring it into court. The Judge said "I think you ought to settle this among yourselves; it is a pity to see the clergyman and the squire quarrelling over this; try and settle it and I will take up another case." We went into a room to do so, and I said all I wanted was to secure the school as a parochial school. An arrangement was come to, and afterwards I found I had to pay £30 costs. After that I went away for some time to county Tyrone, but returned again to Quandrorr—Mr. Hartrick will, I am sure, bear me out in what I am saying—and ultimately the school was done away with.

2181. Lord Justice FRYGROVE.—Did you ever

get a deed or document in connexion with that transaction you mentioned?

Rev. Mr. BREWSTER.—No; all was left with the solicitor. I gave them the £30 without getting a deed; I got no deed at all.

2182. Rev. Dr. MORRIS.—What use has been made of the house since?

Rev. Mr. BREWSTER.—It has been used as a dwelling-house since, and Captain McNeill keeps possession of it. I am making my last fight in this case. The trustees were now appointed. I only want a letter written to Captain McNeill in order to get the school. I cannot hold my Sunday school without it. As the Rev. Mr. Hartrick knows, there is no other place except that schoolhouse. It was under the Church Education Society for many years.

2183. Lord Justice FRYGROVE.—What was the name of the case you brought against the McNeill family?

Rev. Mr. BREWSTER.—The name of the case was *Brewster v. McNeill*.

2184. Lord Justice FRYGROVE.—We will try and find out from the records regarding it, but we must also get from you a written statement of the facts connected with the case.

Jan. 2, 1855.

SAINTFIELD SCHOOL HOUSE.

12185. *Rev. Stewart Dickson* (1st Presbyterian Church, Saintfield).—In the schedule of the scheme for the Diocese of Down, Connor, and Dromore there is a description of a "schoolhouse, residence, and garden," in Saintfield, the "quantity of land not known," described as the "property of Mr. Price." Now Mr. Price has no claim whatever on it, he does not receive a single penny from it, and the schoolhouse and residence are kept in repair by the people of the town and neighbourhood. The school is under the care of a local committee, consisting of six Presbyterians, three Unitarians, three Episcopalians, and

three Roman Catholics. Mixed education does not appear to have departed from every part of the world. This school should be struck out of this schedule.

Mr. David Morrow.—I think the Commissioners should be careful as to that, for I know there is in Saintfield a School connected with the Church Education Society, and the teacher of which receives money out of the Society's funds.

Rev. Mr. Dickson.—There is a school building there, half of which is used for a school and the other half for an Orange Hall.

SCHEME No. 98 HUGH MENRY BOYD'S ENDOWMENT, BELFAST.

OBJECTIONS AND AMENDMENTS.

W. H. Dodd, q.c. (instructed by Messrs. Crawford and Lockhart), appeared on behalf of the Trustees of H. H. Boyd's will.

W. H. Dodd, q.c.

12186. *Mr. Dodd, q.c.*—Mr. Boyd left the money to trustees for the Belfast Town Mission and the only expression of opinion in the will necessary to draw attention to is:—

"My opinion is that, inasmuch as the want of proper house accommodation is at present much felt, should that want not be properly supplied prior to the decease of my said wife, the greater part, if not the whole, of said trust property should be appropriated in building such houses and in such localities as would best accommodate the mission agents for preaching houses, schoolhouses, and other purposes which the mission might require to be served, on such basis and trusts as might secure said houses in all time to come, for the dissemination of such religious instruction as shall be purely orthodox. But I give this opinion without binding my said trustees or trustees to its adoption as I leave the disposal of said trust property absolutely in the power of my said trustees and trustees, to be by them disposed of for the benefit of said mission as in their judgment and discretion they may think best."

The trustees and the directors of the town mission had some little difference of opinion at first as to what

was the exact duty of the one and the other, but they have now agreed. However, as I understand it, some members of the Presbytery of Belfast seek to intervene in some way in order to try and show that they have a right of saying how the money should be disposed of.

12187. *Professor DOUGHERTY*.—Are not the trustees and the representatives of the town mission perfectly in harmony?

Mr. Dodd.—Well there is a slight difference. What we propose is this;—that the trustees shall build three schoolhouses, that these schoolhouses shall be under the management of the trustees, who shall appoint managers and caretakers; that the schools shall be used for the purposes of the Belfast Town Mission, and that none of this money shall go for secular instruction unless the Mission consents. The trustees of the fund will of course be able to use these schools as educational establishments during the week and can have them for religious purposes when required. That is what is proposed by the trustees.

REV. WM. PARK.

Rev. W. Park.

12188. I am here simply as Moderator of the Belfast Presbytery. The members of that Presbytery are deeply interested in the matter of this bequest to the Belfast Town Mission. But though deeply concerned in the subject it was not until our meeting on Tuesday last that this scheme was brought before us, and it was then impossible for us to go over the whole of it as carefully as we would have wished. The Presbytery thought, however, that we had better appear before you here to-day regarding the matter, though we do not wish to interfere. While the members of the Presbytery have not had an opportunity of going carefully through the scheme you will notice in the paragraph commencing at the close of page 2 of the scheme the words:—"If the Belfast Town Mission as then constituted should be abandoned, or if its constitution should be changed." It is to that paragraph we wish to direct your attention. No matter how the money goes, it goes to the benefit of the Presbyterians of Belfast, but it is the opinion of some members of the Presbytery that since then the constitution of the mission has been changed. In 1845 the Town Mission was reorganised. The agents were then

young men, Scientists who had gone through a college course and had been licensed to preach the Gospel; they had signed the standards of the Church, the Westminster Confession of Faith, and were ready to enter the ministry. Since that time a change has been made and the agents of the mission are now laymen. I do not think they would object to signing the standards, like the others, but they are not requested to do so. The Presbytery do not wish to express any opinion on this matter because they were not prepared to say themselves whether this changed the constitution of the mission.

12189. *Lord Justice FRYGEMAN*.—The testator was evidently in favour of orthodoxy. He says:—

"Provided always that any preaching houses or school houses which may be built by them as therein suggested, should be used in all time to come only for the dissemination of such religious doctrine as shall be purely orthodox. Now I hereby declare my will and intention to be, that the trusts of my said will and by my said will created for the Belfast Town Mission, shall at all times hereafter become and be for the benefit of a mission for the time being in the town of Belfast, being under the direction and management of a committee consisting of ministers, elders, and other

members of the Presbyterian Church in Ireland, and holding amongst other doctrines of religion belief the doctrine following—That it is to say, the doctrine of the ever-blessed Trinity, of Justification by Faith in the all-sufficient sacrifice and all-sufficient merit and intercession of Our Lord and Saviour Jesus Christ, of Sanctification by the regenerating influence of the Holy Spirit, of Election by the free sovereign grace of God, and of the final perseverance of God's believing people, and holding also the Divine inspiration of the Holy Scriptures, and that the same are the only authoritative rule of faith and practice. And that in case the Belfast Town Mission, as now existing and constituted, shall be abandoned, or shall cease to be constituted as at present, or be placed under the management of a committee composed of any other than members of the said Presbyterian Church, or holding any doctrine opposed to or at variance with the doctrine aforesaid, or any of them, then I order and direct that the said trust funds and premises shall be and become to and for the benefit of a mission in the town of Belfast, to be managed by a committee consisting of not less than twelve persons of whom one-third shall be ministers, and two-thirds laymen or elders of the Presbyterian Church in Ireland, belonging to or connected with congregations of the said Church in the town of Belfast, and holding such doctrine as heretofore mentioned, such committee to be nominated by the Presbytery of Belfast at one of its quarterly or other meetings in each and every year, as such Presbytery shall, from time to time appoint; and in default of such appointment or nomination of such Presbytery, then by the trustee or trustees for the time being acting in discharge of the trusts of any said will."

It is evident that Mr. Boyd wanted to make sure that his money should be kept in the hands of the orthodox people, and I take it that as long as the Belfast Town Mission is under the entire control of members of the Presbyterian Church there would be no change such as would introduce a new constitution.

2190. Mr. Justice O'BRIEN.—Is the governing body still the same?

Mr. Dodd.—Just the same, and Mr. Boyd attended its meetings and continued to act as treasurer for the mission for many years after this change took place.

Rev. GEORGE MAGILL (Cliftonville Presbyterian Church, Belfast).

2195. No matter what may be your decision the money will go to the same object, the only difference will be in the administration—whether through the Town Mission Directors, of which am one, or a committee of the Belfast Presbytery, of which I am one. We are all members of the Board of the Belfast Town Mission Directors, and all members of the Belfast Presbytery, but the question here is whether the Belfast Town Mission has not been so revolutionized that the administration of the funds should not be by the Mission Directors, but by a committee appointed by the Belfast Presbytery. The word licentiate in the Presbyterian Church is, I submit, under the direction of the court, analogous to the word deacon in the Protestant Episcopal Church, and in connexion with this Town Mission Societies have been replaced by lay agents since the date referred to in the will—1843. That, I hold, is absolutely a revolution of the constitution of the mission. The Belfast Town Mission, when organized on the 9th October, 1843, employed nothing but licentiates, and that continued for 38 years. During all that period licentiates carried on the mission work in Belfast.

2196. Lord Justice FRIZZGROVE.—These are the agents of the mission you are referring to?

Rev. Mr. Magill.—Yes.

2197. Lord Justice FRIZZGROVE.—But they have nothing to do with the constitution of the mission itself. The will refers to any change in the constitution of the mission that might take place.

Professor DOUGHERTY.—I think Mr. Boyd meant that the members of the committee were all to be Presbyterians.

2191. Professor DOUGHERTY.—But do the present agents of the Town Mission hold the views set forth in Mr. Boyd's will?

Mr. Dodd.—They do; of course the same committee appoints them, and they do not appoint men unless they are of their own way of thinking, but they ceased to appoint them in the same way since the new organisation was called into existence.

2192. Mr. Justice O'BRIEN.—The word constitution here refers to the governing body?

Mr. Dodd.—Certainly.

2193. Professor DOUGHERTY.—Is the Belfast Presbytery opposed to the substitution of lay agents for the licentiates previously employed?

Rev. Mr. Magill.—Well, I am not able to state exactly the views of the Presbytery, but we thought it right to bring before this court here to-day this point, so that you may yourselves be satisfied on the matter and may see whether you think there has been any change in the constitution.

2194. Lord Justice FRIZZGROVE.—That scheme was published more than two months ago, but you state it was not brought forward at a meeting of the Belfast Presbytery until last Tuesday. We cannot say that we will not give you time to consider it; we will give you time, but we will ask you to send us in writing the results of any inquiries you make. The testimony wished the Mission to be under the orthodox Presbyterian body, to which he himself belonged. That is set forth in the will, and in section 7 of the scheme it is provided that if at any time the managing committee of this Town Mission shall cease to exist "or shall cease to acknowledge the standards of the Presbyterian Church in Ireland, the Trustees may thereupon cease to pay the annual or other income of the endowment to the aforesaid treasurer."

Professor DOUGHERTY.—I see the Rev. Mr. Magill here, and perhaps he might like to say something on the matter.

2198. Lord Justice FRIZZGROVE.—In the first place he is there dealing entirely with the constitution itself, and not with the agents or employees of the mission, whether licentiates or lay agents.

Mr. Justice O'BRIEN.—No, he did not indicate anything as to the agents.

Rev. Mr. Magill.—When the mission was re-organized in the year 1843, it was essential that the agents should be presbyterians. I will read from the Belfast Northern Whig of the 10th October, 1843, an extract from the report of the proceedings at the meeting held on the previous evening. In the introductory remarks made by the Rev. Wm. Gibson—that was the late Professor Gibson—he said:—

"He had no doubt that the public were so well acquainted with the object for which they were met, through the medium of the pulpit and the press, that it would be unnecessary for him to refer to it further. He would mention that, in the year 1842, the ministers of their Church had it in contemplation to employ the licentiates in connexion with the Presbyterian body in the town mission; but that it was only within the last few months that they had come to the determination of carrying the thing out, and there was such a unanimity of feeling among the ministers in reference to the matter, that he had no doubt that they would, by the liberality of a Christian public, be able not only to put their scheme in operation, but to work it effectively."

Further on the report says:—

"The Rev. James Wilson next addressed the meeting. He spoke at some length of the good that had been effected by the agency they had had in operation, and said it was to extend the benefits of such an agency that they were to employ the licentiates of their Church."

Nov. 4, 1890.

Rev. W. Park.

Jan. 8, 1881.
Rev. George
Magill.

2199. Lord Justice FERGUSON.—But we must also look at the codicils which accompany this will. The will is dated 22nd of January, 1835; the first codicil is on the 17th of September, 1835; the second one is on the 1st of October, 1836; the third one on the 10th of February, 1837; the fourth one on the 2nd of January, 1838; the fifth one on the 11th of July, 1838; and the sixth and last one on the 9th of January, 1839. In only one of them does he make reference to the Belfast Town Mission; but he winds up each one by saying:—"And in all other respects I hereby confirm and establish my said will and codicils." This gentleman died in 1839, and, as I have already indicated, no change as to the mission is made. Can you give us the date when the change from the licentiates to the lay agents took place?

Rev. Mr. Magill.—In 1839.

2200. Lord Justice FERGUSON.—Twenty years before the man died, and yet he does not cancel any part of his will regarding it, although he knew the change had taken place.

Rev. Mr. Magill.—All the agents had then to sign the Confession of Faith, and there was no doubt he was determined that they should be orthodox, and, in the absence of any cancelling clause, that portion in the body of the will regarding that matter is still binding. The agents are part of the constitution. I can further show you from *McConnell's Address* and the *Belfast Newsletter*, and also from the report of the Town Mission for 1839, that probationers were employed in connexion with the mission, and that none but probationers were employed in its service up to the period I have mentioned. In that year the Committee of the Town Mission announced that after careful consideration of the whole subject, they had resolved that the agents of the mission should be more closely connected in their work with the existing congregations, and it was proposed that a district should be assigned to each congregation, and that congregations should have the offer of an agent on the condition of paying half his salary, the said half to be raised exclusively among the members of the congregation. It was also proposed that the role "that none but probationers and candidates for the ministry be eligible, may be relaxed whenever it is considered desirable to engage the services of a layman specially qualified for mission work." I hold that that was a revolution in the constitution, and would it not be considered so if such a proposal

were made by the Diocesan Synod here regarding the donors of the Church?

2201. Lord Justice FERGUSON.—It is alteration in the mode of doing the work, but he makes no reference to it in any of the codicils. In his codicil in February, 1837, the testator says:—

"I hereby cancel the appointment of W. A. Robinson, and release him from said office of trustee and executor, and I now appoint my friends, Rev. James Martin, Presbyterian Minister of Kilmacstreet Church, Belfast; Hugh Allen, at present agent for the Sabbath School Society in connexion with the Presbyterian Church in Ireland; and John Edgar Magill, of Kesh, terrace, Belfast, estate and rent agent; and Hugh Rankin, at present Assistant Secretary for said Sabbath School Society, to be trustees and executors of my said will and codicils, and I invest them with all the powers, rights, privileges, and authorities with which my previously appointed trustees and executors were invested by my said will."

Again in the same codicil he says:—

"And it is my will that such new trustees or trustees so appointed, whether by serving trustees or by the Belfast Presbytery, shall be members of a Presbyterian Church of said Presbytery in full communion, and that not more than one of my trustees at any time shall be a Presbyterian minister."

Yet he never mentions in any one of these codicils that the Belfast Town Mission had ever been revolutionized.

Rev. Mr. Magill.—He was anxious that the Town Mission should be continued on the principles on which it was re-organized at that meeting in October, 1843, to which he refers in his will. For twenty-six years from that date the agents of the Mission were as I say probationers, and then this revolution took place.

2202. Lord Justice FERGUSON.—In connexion with this question of the licentiates it may be mentioned that he desired, should the Town Mission be abandoned, or its constitution changed, that the trust property should go for the benefit of a mission in Belfast, to be managed by a committee of not less than twelve persons "of whom one-third should be ministers and two-thirds laymen or elders of the said Presbyterian Church, and holding such doctrine as aforesaid." As to the probationary element, he never says a word.

Rev. Mr. Magill.—I wish it understood that I am not finding fault with any of my brethren in this matter. It was only at the last moment I saw the scheme, and I felt I should state my objection.

Rev. GEORGE SHAW (Pitzroy-avenue Presbyterian Church, Belfast).

Rev. George
Shaw.

2203. I knew the late Mr. Boyd well. He was an elder in my congregation for eighteen years, and I knew him intimately. As to the Town Mission, I never knew any question raised on its committee, or any observation made as touching its constitution. The change referred to was simply a matter of administration, and arose in this way. The agents at first were young licentiates, qualified to preach, and likely to be getting a call from some vacant congregation. Accordingly, on the very day such an agent was most needed in Belfast, he was off preaching on trial in Dungannon, say, or some other place over the country. This was found not to work well, as the cause of the mission suffered. After mature consideration the committee decided that they would make a change, and instead of employing licentiates, took laymen who would give their life to this work. Mr. Boyd knew of this change.

2204. Professor DODD.—Do you take any steps regarding these lay agents to secure their soundness of doctrine?

Rev. Mr. Shaw.—They are examined.

2205. Dr. TRAILL.—And Mr. Boyd knew of this change in the agents, which I understand took place about 1849?

Rev. Mr. Shaw.—Yes, and continued afterwards to act on the committee. This change was a mere matter of arrangement, and it appears to me, as plain as possible, that he did not object to it. He does not do so in any of the codicils.

Mr. DODD.—He does not refer to the persons to be appointed as agents for the Town Mission. He does not say that they were to be licentiates of the Church, and this change from licentiates to laymen was simply a change in the method of carrying out the work of the mission.

Rev. WILLIAM JOHNSTON, D.D. (Townsend-street Presbyterian Church, Belfast).

Jan. 8, 1891.

Rev. William Johnston, D.D.

2306. I was at the meeting at which this mission was organised in Belfast, and when Mr. Charles Finlay was appointed secretary, and I have been a member of the committee ever since. When this Town Mission was organised the work was given to licentiate of the Church, in order that they might work among the poor, but it was found that these young men who had been licensed to preach were anxious to get preaching in congregations where there were vacancies, and were often away supplying pulpits on the day we wanted them to meet

the poor people of Belfast, and consequently it was resolved to employ lay agents.

2307. Mr. Justice O'BRIEN.—Mr. Boyd must have known of this?

Rev. Dr. Johnston.—He did know of this, and he paid laymen to do, and yet made no change in his will. He thoroughly approved of the manner in which the work was done through the new agency. Mr. Magill complains of us taking laymen as agents instead of licentiates. We are just doing what Mr. Boyd sanctioned as long as he lived.

Rev. JAMES MARTIN (Eglinton-street Presbyterian Church, Belfast).

2308. I lived for twenty-five years next door, I may say, to the late Mr. Boyd, and thus had the pleasure of seeing him two or three times a week and of talking to him. I spoke to him again and again about this mission and I have no recollection of Mr. Boyd at any time complaining about the change which had been made as to the agents of the mission.

2309. Professor DOUGHERTY.—Did he ever express approval of it?

Rev. Mr. Martin.—He expressed high approval of the working of the mission.

2310. Professor DOUGHERTY.—Was there any discussion about this change of agents?

Rev. Mr. Martin.—No. Mr. Boyd continued to attend the meetings of the Town Mission directors up to ten years before he died.

Rev. George SIMON.—He was a subscriber to the mission, too, up to his death, and continued treasurer while he was active—up to about twelve years ago.

2311. Rev. George MAGILL.—As I stated previously, the Rev. Professor GIBSON, at the meeting at which this Town Mission was re-organised, said it was their

intention to employ missionaries in Belfast, and that these missionaries should be licentiates of the Church.

I would contend, if the matter were discussed on ecclesiastical grounds, that the introduction of laymen was a fundamental change in the constitution of the mission.

2312. Professor DOUGHERTY.—Is it not quite possible that the lay agents might be the more efficient agents for the mission on the grounds which Mr. Shaw and Dr. Johnston have pointed out?

Mr. Justice O'BRIEN.—With the will, I would be inclined to agree with you, Mr. Magill, but then we have it that Mr. Boyd co-operated for many years afterwards in the work of this mission in its changed condition.

Rev. Mr. Magill.—I am well aware of that, but I can conceive a man not desiring to break his will, and not leaving the board because he did not wish to desert them, knowing that he had made provision in the body of his will as to how the money was to be expended.

Rev. ROBERT JEFFREY (Presbyterian Minister, Portadown).

2313. I knew the late Mr. Boyd, and I was one of the licentiate agents of the mission. At that time we were perfectly useless for carrying on Town Mission work. We were off preaching in pulpits over the country on Sabbath day, and we sent all sorts and conditions of men to do our work upon that day in

Belfast, and it was altogether a very unsatisfactory state of affairs.

2314. Professor DOUGHERTY.—But did not some of those licentiates continue very attentive to their work in Belfast, and establish congregations of their own in the city?

Rev. Mr. Jeffrey.—Some of them did.

Rev. HANS WOODS (Fountainville Presbyterian Congregation, Belfast).

2315. I do not come here in any way to oppose the directors of the Belfast Town Mission, or in opposition to the Scheme, in any way, though I have given some thought to this will. If you look into "McComb's Almanac" of 1844, you will see the agents that are spoken of as decided at the meeting in October, 1843. It is there stated that "The object of this mission is, to employ licentiates of the General Assembly, who are to visit from house to house, distribute tracts, hold prayer meetings, and preach the Gospel in places suited for collecting numbers together." It is also stated that "It is expected that the faithful labours of the agents may result in the formation of new congregations." When this mission was thus organised, it went on for some twenty-six years without a break, up to 1859. One of the things the Rev. Dr. Morgan boasted of was that through the licentiates no fewer than four congregations had been organised, but that was one of the things the Town Mission was founded for, and in which it had been

successful. I had been endeavouring to do the thing which Dr. Edgar had proposed, and I had gathered around me a number of people who succeeded under the care of the Belfast Presbytery in getting formed into a congregation. The late Rev. Dr. Knox was very active, and took a great interest in my case, and the result was that I got my dismissal for my efforts.

2316. Professor DOUGHERTY.—Was that because you collected the congregation there?

Rev. Mr. Woods.—I suppose so; but Mr. Montgomery and others did the same. There is a gentleman still on the Town Mission who got his dismissal when I got mine. He was not a licentiate, but a finished student who had completed his education in both colleges, but was not licensed. A few weeks afterwards this gentleman was again employed, and has been employed ever since. From the day I got my dismissal there never has been a licentiate or student employed; it has been a complete re-organisation. I do not appear here in opposition to this will, nor in

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opposition to the Town Mission, but you can interpret these things as you wish.

2217. Lord Justice FRINGHAM.—Had you any other connexion with Mr. Boyd, at all?

Rev. Mr. Woods.—No.

2218. Lord Justice FRINGHAM.—Did he ever pay you?

Rev. Mr. Woods.—Well it was through his office that the payment came.

Rev. George MacFarland.

Rev. GEORGE MACFARLAND (Secretary to the Mission Board of the General Assembly).

2220. I may say that up to 1843 the Belfast Town Mission was un denominational, but in that year it became distinctly Presbyterian, and there is little doubt that is the reorganisation of the mission to which reference is made in the will. In the reports of the Belfast Town Mission, published from year to year since 1843, there is printed on the opening page: "Belfast Town Mission as re-organized in 1843."

2221. Lord Justice FRINGHAM.—The testator all through mentioned 1843, and I was greatly impressed with that, but we now see that at the period mentioned the mission changed into a thoroughly orthodox

2219. Lord Justice FRINGHAM.—Down to when? Rev. Mr. Woods.—Until I was dismissed.

Lord Justice FRINGHAM.—Really the question is, whether the change, which most undoubtedly took place in the kind of agents who were carrying out the work, was a change in the constitution of the Society itself.

Rev. Mr. Woods.—I held it was.

THE ENDOWMENTS OF, AND BELONGING TO, THE PRESBYTERY OF BELFAST.

2222. Rev. James Martin (Convener of the Committee of Presbytery in charge of the Educational Endowment Scheme).—We would like to submit the following question to the Commissioners and bear their replies:—Does the Scheme supersede the terms of an original will or trust deed?

Lord Justice FRINGHAM.—We cannot change any trust deed except with the concurrence of the people concerned. We can only change the trust deed with the consent of the existing parties, or in cases where the old trust deed has become absolutely inoperative or injurious.

2223. Rev. Mr. Martin.—Does the Scheme recognise local organisation under the Board?

Lord Justice FRINGHAM.—Yes, always in the case of schools, and that is what the Presbyterian gentlemen have been contending for so much to-day.

2224. Rev. Mr. Martin.—When a congregation has only a church, and its sole property consists of a school and manse standing on the church ground, what advantage would be gained by vesting the property in the Board?

Lord Justice FRINGHAM.—No further conveyance of the property will ever become necessary, because it will be vested in a body that has perpetual existence. We had that question before us in connection with the congregation of Rathgry where no other deed or conveyance will be required.

2225. Rev. Mr. Martin.—Could church property which would be vested in the Board, be sold by the congregation without the consent of the Board or against its will?

Lord Justice FRINGHAM.—Certainly not.

2226. Rev. Robert Jeffrey (Postoffice).—Could a board of trustees dispose of property without the consent of the Commissioners?

Lord Justice FRINGHAM.—A scheme may authorize the sale by the governing body of any property vested in them, but that is as the Commissioners shall think fit.

2227. Rev. James Martin.—Will the Board have the sole custody of the trust deeds of churches, and how will church officers obtain access to them?

Lord Justice FRINGHAM.—That is a matter which ought to be seen to; they should be kept in a central

Presbyterian Institution. That settles the whole matter. There is no doubt whatever that he regarded the institution, which existed down to the day of his death, as the same as when in 1853, he made his will, and accordingly no objection was taken to the character of the agents in any of the codicils.

Rev. Wm. Park.—The Presbytery of Belfast, next meets on the first Tuesday of February, when the Scheme will, no doubt, be brought forward. The Presbytery merely thought it was right, when they saw the Scheme, that they should bring this matter before you.

place, where proper access to them could be obtained from time to time.

2228. Rev. Mr. Martin.—Could the Board take possession of any congregational property irrespective, or rather in spite of, clauses in the trust deed or will investing it in the congregation?

Lord Justice FRINGHAM.—No, certainly not. The scheme ought to preserve and represent all existing trusts. Instead of hunting them through wills and deeds you find them set out in the scheme, and none of the property can be disposed of as long as it is being used for the proper purpose.

2229. Rev. Mr. Martin.—By whom will repairs to the Church property be executed?

Lord Justice FRINGHAM.—By the people who have the money to execute them—that is, by the congregation. The local people will have to keep their property in repair.

2230. Rev. Mr. Martin.—In case of Home Rule could schools and educational endowments be more easily confiscated if held by a board than by ordinary trustees?

Mr. Justice O'BRIEN.—At all events that is a very remote contingency.

Lord Justice FRINGHAM.—Nothing can affect this question but an Act of Parliament. You are just as liable to an Act of Parliament in the future as you have been in the past. Of course we cannot stand against the legislation of the land; but nothing save an Act of Parliament can alter your position.

2231. Rev. Mr. Martin.—Might not the cost of inspection become a serious expense to schools under the proposed Board?

Lord Justice FRINGHAM.—That is often asked, and we cannot give you any positive answer. We have impressed upon the Government the importance of attending to this matter, and urged that it is perfectly hopeless to think of establishing any system of inspection which may be expensive. It should be brought down to £1 a year. Even if an inspector would be appointed for the district the expense would be small. It is a matter out of our control, but I do not think any Government will put on a system of inspection which would be expensive.

Rev. Wm. Johnston, D.D. (Townsend-street Presby-

terian Church).—I am very much obliged for the answers you have given to these queries. We have expended a large amount on our church and adjoining buildings, and then, in the second place, we have schools in various parts of the city.

2232. Lord Justice FRANKLIN.—How many schools have you?

Rev. Dr. Johnston.—There are twelve day-schools under my supervision.

2233. Lord Justice FRANKLIN.—Are they all connected with your congregation?

Rev. Dr. Johnston.—No. I am manager of them all, but the committee are associated with me in the management of the congregational schools in Townsend-street—I mean the schools on the church grounds in Townsend-street. I may say there are some peculiarities in my case. There are some specialities which would make me desire a separate charter. In the first place, we have our church in Townsend-street, and the ground bought out; secondly, we have our lecture hall and congregational schools, and also the sexton's house; and thirdly, we have three other schools connected in connection with our congregation. The first one of these is in Blenheim-street, and the ground has been bought out; the second one, which is in Northumberland-street, is held upon lease; and the third one in Conway-street, and it has also been bought, but no lease taken out for it. Besides these items of church property there is a bequest of Mr. Henry Lowden, one of the elders, and over and above all these there is a bequest by my brother, Dr. Henry Martyn Johnston, of between £8,000 and £10,000. The last-mentioned bequest is for the relief of the sick poor residing chiefly in the Falls, Shankhill, and Brown-square districts, where he had been for some time medical officer, and it is to go specially to cases of consumption and cancer. The Lowden property yields an income of at least £100 a year, but there must be deducted

from it for the rent, taxes, and repairs £80. Besides the house property there is a sum in cash of almost £400, and the ground and house rents are about £65, from which however must be deducted rent, repairs, and incidental expenses amounting to about £30. The proceeds of that charity go to support a number of widows, and pay the education of a number of orphans. I have already mentioned my brother's bequest of between £8,000 and £10,000 for the sick poor in the Falls, Shankhill, and Brown-square districts. My brother left that money to my sister and myself to administer, giving us power to use it all during our lives as we might think best, or to leave it behind us. As to the Lowden property, Mr. Martin Wallace and I are joint trustees. In the future we desire that these various items should have one central board of control.

2234. Lord Justice FRANKLIN.—I have no doubt a board of that kind can be formed, but we can do nothing except with the consent of all parties interested. I would like you to write out a statement giving details of the property with which you wish us to deal and to forward it to us.

Rev. Dr. Johnston.—I will write that out and post it to you.

2235. Rev. Robert Jeffrey (Portadown).—What I would like to know is this—what will be necessary to enable us to secure the position of a congregation as regards its church and schools, where there is no lease and where there are no trustees?

2236. Lord Justice FRANKLIN.—We have had this asked us frequently. We cannot give a title to anybody, or compel a party to give a title against his will; but we can recognise the position of the congregation, and we will allow you to schedule any property of which you are in possession. If any one then comes forward to claim against you, it puts you in the position of defendant instead of plaintiff.

JAN. 17, 1891.

PUBLIC SITTING—SATURDAY, JANUARY 17, 1891.

At the Office, 23, Nassau-street, Dublin.

Present:—The Right Hon. Lord Justice FITZGERSON and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.Sc., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Secretary, WM. EDWARD KELLER, M.A., LL.B., and the Assistant Secretary, N. D. MURPHY, M.A., were in attendance.

THE GENERAL ORPHAN HOME.

Rev. Canon Jelliff, Rev. E. G. M. Webster, and Mr. Herbert B. Colhurst, M.A., attended on behalf of the Governors of St. Peter's Parochial Schools.

Rev. J. H. Monahan, D.D., Rev. Dr. Walsh, and Mr. T. Spunner attended on behalf of the Protestant Orphan Refuge Society.

Rev. S. G. Cotton attended on behalf of the Caragh Orphanage.

Rev. J. M. Hamilton, Rev. R. McChesney Edgar, and Rev. J. D. O'Gorman represented the Dublin Presbytery.

Lord Justice FITZGERSON made an introductory statement.

MR. WILLIAM GIBSON, Secretary to the Commissioners of Charitable Donations and Bequests, examined.

2237. We have in government stock £763 9s. 4d., which includes a sum of £204 10s. transferred in *re* Geary's Trusts which the Master of the Rolls by an order directed should come to us.

2238. Lord Justice FITZGERSON.—It is subject to the same trusts?—Yes, £204 10s. 8d. was the original bequest. It was subject to a payment of £16 13s. 3d. for solicitor's costs; then there is cash £4 15s. 5d., including £1 8s. 4d., the last dividend in *re* Geary's Trusts.

2239. Dr. TRAILL.—The solicitor seems to get something in every case?—The solicitor's costs, as I have stated, amounted to £16 13s. 3d.; annual interest on stock, as above, £20 15s. 4d.; and net annual rental from premises in South Richmond-street and vicinity, £35.

2240. Lord Justice FITZGERSON.—That is, the gross rental is £40 and the outgoings are £5 1s.—Yes.

2241. Lord Justice FITZGERSON.—Who is the place let to?—After Mrs. Scott's death, her heir at law was a minor, and there was no person to represent the interest of the property, and eventually, under the advice of Mr. Bowen, our counsel, the executor of Mrs. Scott appointed Mr. J. T. Seaver trustee, and the premises are held by Mr. Strong and other tenants under Mr. Seaver as trustee. He is the legal owner.

2242. Lord Justice FITZGERSON.—What is the nature of the letting?—A lease for 99 years at £60 a year, with a covenant to expend £200.

2243. Lord Justice FITZGERSON.—Have you got an arrangement as to the houses 5 and 6 Charlemont-street?—No; these are in possession of other tenants; they are subject to merely ground rents or in the nature of ground rent. There is £4 15s. 6d. from 5 Charlemont-street.

2244. Dr. TRAILL.—Is £35 the whole income of the three holdings?—Yes; the premises in South Richmond-street and the two houses in Charlemont-

street; the poor law valuation of one is £13 and another £16; for building it would be worth the rent.

2245. Lord Justice FITZGERSON.—Are the ground rents held on long terms?—99 years; and new houses were built on portion of the property, so our charity rent is perfectly secured. The rental I have stated is not likely to be decreased.

2246. Dr. TRAILL.—It is a permanent rental?—£56 or thereabouts may be calculated on as the rental of this property, including dividends.

2247. Lord Justice FITZGERSON.—Have the Commissioners of Charitable Donations formed any opinion or come to any conclusion in reference to this endowment?—They came to a decision at the request of the Rev. Mr. Robinson, who stated that a committee of twelve ladies arranged to carry it on, and the Board had actually made an order to transfer it to those ladies, but Sir Charles Cameron was called in to examine the premises, and his report so thoroughly condemned the institution in consequence of its proximity to the *Maison de Saint*, that the whole thing was abandoned.

2248. Lord Justice FITZGERSON.—That was a proposal to carry on the General Orphan Home on the same premises?—Yes; in the same premises—South Richmond-street.

2249. Professor DOUGHERTY.—To conduct it on the original principle?—I believe it was not intended to be departed from.

2250. Lord Justice FITZGERSON.—These premises in South Richmond-street are now permanently let?—Yes.

2251. And that proposal is out of the question now?—Yes. It was abandoned after the report of Sir Charles Cameron.

2252. Lord Justice FITZGERSON.—The Commissioners, I suppose, received communications from a number of people in reference to it, but formed no

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Mr. WILLIAM
Gerson.

conclusion?—Yes, in 1886 they handed it over to your Board.

2253. Rev. Dr. Moulton.—The premises were considered unsuitable for an orphanage by the sanitary officer, because of the proximity to the *Maison de Santé*?—Yes. The committee of ladies would not take it up under the circumstances. The Commissioners thought they were right, and the project was abandoned. The question of amalgamation of this institution with the Caragh Orphanage was strongly pressed on the Board by the Rev. S. G. Cotton; but he never succeeded in convincing the Board on the question of amalgamation with the Caragh Orphanage, and the Board refused to entertain the question of amalgamation, although they paid him £54 10s. for orphans which had been sent from the Richmond-street institution to the Caragh Orphanage.

2254. Lord Justice FRINGHAM.—On the death of the Rev. Mr. Scott?—Yes. The Rev. S. G. Cotton took four of the orphans to the Caragh Orphanage. He subsequently made a statement to our Board claiming compensation for it, and the Board thought he had a fairly equitable claim for remuneration.

2255. That was a payment for the keep of those orphans?—Yes. The Rev. Mr. Cotton made a much larger claim.

Rev. S. G. Cotton.—And I make still a much larger claim.

Mr. Gerson.—We did not give him more than £54. A complete history of the case is spread over four or five volumes of our Minutes, giving a complete history of it.

2256. Lord Justice FRINGHAM.—It is not necessary to go into that. Your memorandum sums up the case with clearness and conciseness. There was litigation in Chancery with Mr. Scott's executors?—Yes. There was some difficulty. Mr. Russell, solicitor, of Mountjoy-square, was one of the executors. He gave us a great deal of aid, and they asked that the solicitor for our Board, Mr. Maxwell, should assist, so as to facilitate the matter.

2257. Lord Justice FRINGHAM.—The Rev. Mr. Scott was connected with other institutions?—He was.

2258. Rev. Dr. Moulton.—In respect of this orphanage endowment there is a net income of £54, well secured?—Thoroughly well secured as a fund. It is Government security.

2259. Lord Justice FRINGHAM.—Without committing yourself to any opinion, are you aware whether the Board came to any conclusion one way or the other as to the expediency of keeping £765 9s. 4d. of stock to produce £20 18s. 4d. a year, or whether the capital might be disposed of better?—I was absent part of the time, but I found no indication of any expression of opinion. I may safely say there was none.

2260. Lord Justice FRINGHAM.—You stated that at one time you were going to hand over the income of the fund to a committee of ladies to start a similar home?—Yes, an institution on the same principle, but the project was abandoned owing to the report of Sir Charles Cameron on the sanitary question.

2261. Rev. S. G. Cotton.—I wrote to the secretary of the Commissioners of Charitable Donations and Bequests to produce certain books. I would ask Mr. Gerson if he has any books connected with the working of the Orphan Home in South Richmond-street?

Mr. Gerson.—There are four or five volumes of minutes with reference to it.

2262. Rev. S. G. Cotton.—Have you any books connected with the working of it after Mr. Scott's death?

Mr. Gerson.—No, Mrs. Eager, the widow of the Registrar, I fancy has them.

2263. Rev. S. G. Cotton.—The Commissioners you represent have no books connected with the Home after Mr. Scott's death?

Mr. Gerson.—I believe they have not.

2264. Lord Justice FRINGHAM.—The Commissioners of Charitable Donations would not get the minute books of the committees or governors?

Rev. S. G. Cotton.—No, unless to challenge the accuracy of the accounts. (To Mr. Gerson).—You see that memorandum. It is acknowledged by Mr. McDonnell in a letter.

Mr. Gerson.—There is no doubt it was received.

2265. Rev. S. G. Cotton.—That is a memorandum incorporating this Home with Caragh Orphanage, signed by two of the surviving guardians?

Mr. Gerson.—The fact is, the Rev. Mr. Cotton wished to relieve the Court of Chancery of all trouble by taking the question of amalgamation on his own shoulders.

2266. Dr. TRAILL (to Rev. Mr. Cotton).—It means you were quite ready to accept the responsibility if they handed over the whole thing to you?

Rev. S. G. Cotton.—Yes; having taken charge of four of the orphans.

Mr. Gerson.—You made a similar claim before the Master of the Rolls in Geary's case?

Rev. S. G. Cotton.—Yes, and an appeal is pending from the Master of the Rolls' decision.

2267. Lord Justice FRINGHAM.—We have got here a register of the children in the Home from the beginning. It seems to have been a very carefully kept document. It begins in 1852, and it goes on to 1881, nearly thirty years. The last date is the 17th May, 1881, when John Brooke was removed by the Rev. Mr. Cotton to a school in Elphin; Patrick Shields; removed to the Caragh Orphanage by the Rev. Mr. Cotton, and also another boy, Andrew Hunt.

Rev. S. G. Cotton.—Look at April, 1881.

2268. Lord Justice FRINGHAM.—In July, 1881, a boy was sent home to his mother, and in March, 1881, Wm. Nowlan taken from the Home by the Rev. Mr. Cotton to be placed in Caragh Orphanage; they keep an entry in the register of the places the boys go to. It appears that, from start to finish, 135 boys were in the place.

Rev. S. G. Cotton.—Look at the minute book.

2269. Lord Justice FRINGHAM.—This minute book begins with the first meeting held on the 1st June, 1853. It was regularly kept from that date to 1859, but not afterwards. May 7th, 1859, present, P. J. Majoribanks, Esq., in the chair; Rev. Thomas Scott, James Thornley, Esq. (reads minutes). The meeting stops there. Do you know whose handwriting that is?

Rev. S. G. Cotton.—The late Mr. Eager, the registrar.

Mr. Gerson.—Everything was regularly done by Mr. Eager. He seems to have been an extremely good officer.

2270. Lord Justice FRINGHAM (to Mrs. Eager).—Is this the last minute book?

Mrs. Eager.—It is the last.

2271. Lord Justice FRINGHAM.—There are no other minute books, and it seems there were no other meetings held until a meeting was called by the Rev. Mr. Cotton, probably after Mr. Scott's death, but this is the last existing minute book.

Mr. Gerson.—I may mention that it was not until the 5th November, 1880, that the £204 10s. was given to our Board.

2272. Dr. TRAILL.—That was the Geary bequest?—Yes. £16 13s. 6d. was for the solicitor's costs, and with £4 15s. 6d. cash, there was left £192 1s. 6d.

2273. Lord Justice FRINGHAM.—Then it would appear that about £200 of the capital in round numbers belongs to the Geary bequest?—That is so.

2274. Lord Justice FRINGHAM.—Who else now appears?

Rev. S. G. Cotton.—Your Lordship takes me as representing the Caragh Orphanage.

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2275. Mr. R. B. Colthurst, M.A.—I appear as one of the Governors of St. Peter's Parochial Schools, which closely resemble, as regards their objects, the Home which, I take it, may now be regarded as extinct. The Geary bequest has been mentioned; was there not some doubt about the terms of that bequest, about the destination of it?

Mr. Gerran.—A question was raised in the Court of Chancery as to the existence of the institution, the Chief Clerk had found the institution had ceased to exist. The matter then went before the Master of the Rolls, and he found the institution had not ceased to exist and he gave us the bequest. It was really a question whether the institution had become defunct.

2276. Lord Justice FRYGUESON.—It had practically become defunct at the time of the testator's death?

Mr. Gerran.—So it would appear.

2277. Mr. H. B. Colthurst.—The 27th February, 1881, was the date of the Rev. Mr. Scott's death. Was not the bequest to the Protestant Orphan Home, South Richmond-street?

Mr. Gerran.—It was.

2278. Mr. Colthurst.—Were there any girls in the school at the time of the Rev. Mr. Scott's death?

Mr. Gerran.—I never heard of girls in it.

2279. Mr. Colthurst.—We have that in the register. The Master of the Rolls decided that this Home, established by the Rev. Mr. Scott, was in existence, and that the money should be transferred to its credit and administered afterwards. If the institution had ceased to exist before the testator's death, the legacy would probably lapse. It was regarded by the Master of the Rolls as money left for this institution in South Richmond-street.

Mr. Gerran.—The Commissioners of Charitable Donations and Bequests have the destination of this fund entirely in the hands of the Commission.

Lord Justice FRYGUESON.—We will endeavour to do the best we can with it.

2280. Mr. Colthurst.—Did not the Master of the Rolls hold the expression, Orphan Home, South Richmond-street, to mean this particular institution, founded by the Rev. Mr. Scott?

Mr. Gerran.—I should say that was the result of it. I have not my judgment before me.

2281. Mr. Colthurst.—You don't know how many pupils were in it?

Mr. Gerran.—No; I am aware the Rev. Mr. Cotton took four of the pupils to the Caragh Orphanage.

2282. Rev. Dr. MOLLOY.—Two of the pupils came from the Rev. Mr. Cotton.

Rev. Mr. Cotton.—I have from time to time recommended pupils, and one of the boys was there for a long time.

2283. Lord Justice FRYGUESON.—When the place was vacated by the boys were, William Nowlan admitted in March, 1877, at the age of six years. He resided in the parish of St. Peter; discharged in 1881; taken from the Home by the Rev. Mr. Cotton, who placed him in the Caragh Orphanage. Henry M'Loughlin, admitted in September, 1877, aged six, parish of St. Peter, taken out by the Rev. S. G. Cotton, Caragh Orphanage, county Kildare; then there is a blank, but it is obvious it was in 1881, because all these boys were in the place at the time. Christopher Shanahan, admitted September, 1877, aged 9; discharged July, 1881; sent home to his mother in Clarence-street; William Shanahan, aged eight, sent home to his mother in Clarence-street; Patrick Shield, admitted 15th August, 1878, from Caragh Orphanage, removed on the 18th of March, 1881, to Caragh Orphanage by order of the Rev. S. G. Cotton; 13th November, 1878, John Beake, aged nine, removed 17th May, 1881, removed to a school in Elphin; ——— Buchanan, removed 31st August, 1879, by his friends for admission to the Blue Coat School; William Palmer, ad-

mitted from Harold's Cross, left on the 16th December, 1880, to go to his father in New York. On the 6th November, 1874, James Archer admitted, ten and a half. In May, 1881, he was taken from the Home and apprenticed to Mr. Prescott, of South King-street, the optician. When that boy was apprenticed his time was up.

2284. Mr. Colthurst.—Were there not six pupils in this school, two of whom came from Caragh Orphanage, and two sent back afterwards?

Lord Justice FRYGUESON.—No, three were sent back.

2285. Mr. Colthurst.—I saw an affidavit made in the matter of Geary's trusts, and it states that only two pupils came from Caragh Orphanage, and only these were sent back.

Rev. Dr. MOLLOY.—One went back to the Caragh Orphanage, and another went to a school in Elphin.

Lord Justice FRYGUESON.—And besides that, two St. Peter's Parish boys were sent to the Caragh Orphanage.

2286. Lord Justice FRYGUESON.—Here is a paper of some importance, which has been addressed to the Commissioners of Charitable Donations and Bequests. It is dated, 2nd December, 1879, and signed by two gentlemen who seem to have taken a very lively interest in charities in the neighbourhood—Captain George S. Dyer, M.P., and Mr. John Rainsford. It is headed "General Orphan Home, Portobello, near Dublin," and is as follows:—

"Sir,—We, the undersigned, having heard unfavorable reports respecting the above-named institution, of which the Rev. Thomas Scott is the sole manager, proceeded this day, between the hours of noon and 1 p.m., to visit it together.

"We found eleven boys, between fifteen and seven years of age, assembled in the school-room, in which was no fire this bitterly cold day. The boys had a wretched appearance; badly clothed—in fact, some of them were without a shirt, and others without a jacket. Generally speaking, they were most unwholly looking. One had knockings on the face; another, a scold head. They looked as if they were half-starved, and no wonder. On inquiry, we found the only meat they tasted throughout the week was a cow's head cooked on Saturday, and that in which it was boiled, as soup on the day following. On other days the boys had bread and cocoa for dinner, tea and bread for breakfast and tea. Six of the so-called orphans have both father and mother alive. Of the remaining five, three of them had one parent surviving, two others are full orphans. The schoolmaster appears to be a most intelligent teacher. The school's handwriting was particularly good. Even the schoolboys we visited the dormitories. There we found iron bedsteads, neatly furnished with clothes; two boys sleep together in one bed. All the rooms we visited were thoroughly clean. In fact, everything that devolved upon the manager (Mr. Eager) was well done. But to call the institution a 'General Home for Orphans,' is a misnomer. We hope the Commissioners will exert their powers, so far as they extend, to put an end to what we consider to be a sham and an imposition.

"We are, Sir, your obedient servants,

"GEORGE S. DYER, Capt., R.N.

"JOHN RAINSFORD.

"Dublin, Dec. 2, 1879."

Did you take any step on the receipt of that communication, Mr. Gerran?

Mr. Gerran.—It was that which set us in motion.

2287. Rev. Dr. MOLLOY.—And you have been in motion ever since.—We have.

2288. Lord Justice FRYGUESON.—The Rev. Mr. Scott's death followed shortly after this.—Yes.

Rev. S. G. Cotton.—The cause of that statement was the death of Mrs. Scott, the chief manager of the school. I feel it due to the memory of my late friend to say that.

2289. Professor DOUGHERTY.—Was any part of the money in your hands derived from the permanent fund in connection with the institution?

Mr. Gerran.—I have a notion there was some of the money contributions of that kind.

2290. Lord Justice FITZGERSON.—With reference to the document I read, I hold in my hand a statement that Mrs. Scott died on the 16th April, 1838, eleven years and a half before the report I read.

Rev. S. G. Cotton.—And for a considerable time there was no lady to superintend the institution. I visited the school constantly, and I can testify the children were not in a state of starvation.

2291. Dr. TRAILL.—It was not the absence of female care that kept them in that state?

Rev. S. G. Cotton.—This paper bears testimony as to their cleanliness.

Dr. TRAILL.—But that won't feed people.

2292. Lord Justice FITZGERSON.—On the question as to the denominational character of the place, the original minute-book of the institution contains important evidence. It has a record of a great number of meetings, and I will read a minute of a meeting on the 4th August, 1839.

"Present:—Colonel Boyes in chair, Hon. Mrs. Scott, Rev. J. J. Black, J. O. Russell, Esq., Rev. Dr. Urwick, F. J. Majorbanks, Esq., Rev. Thomas Scott."

"Resolved:—1st. That the permanent fund which now amounts to £315 16s. 11d. in three per cent. Government Stock, now £228 15s. 11d., and all additions which may be made thereto, shall be invested in the names of three trustees, and that the three trustees for the time being shall be persons who, in an evangelical sense, believe in the eight articles of doctrine, in the basis of a certain society called the "Evangelical Alliance," that is to say:—

1st. The Divine inspiration, authority, and sufficiency of the Holy Scriptures;

2nd. The right and duty of private judgment in the interpretation of the Holy Scriptures;

3rd. The unity of the Godhead, and the Trinity of persons therein;

4th. The utter depravity of human nature in consequence of the fall;

5th. The Incarnation of the Son of God, His work of atonement for sinners of mankind, and His mediatorial intercession and reign;

6th. The justification of the sinner by death alone;

7th. The work of the Holy Spirit in the conversion and sanctification of the sinner;

8th. The immortality of the soul, the resurrection of the body, the judgment of the world by Our Lord Jesus Christ with the eternal blessedness of the righteous, and the eternal punishment of the wicked;

And shall not, nor shall any two of them be members of the same religious denomination.

"2nd. Resolved.—That the Rev. Thomas Scott, Barrister-at-Law, a clergyman of the Irish Church of the United Church of England and Ireland, John Caskey Russell, Esq., T.C., a member of the denomination of Protestant Dissenters, called Methodists, and George Foley, Esq., Barrister-at-Law, a member of the denomination of Protestant Dissenters, called Independents, be appointed the first trustees.

"3rd. Resolved.—That the deed of trust now produced, be approved and adopted, and that the Chairman be authorized to endorse thereon a memorandum of this approval."

The memorandum of approval is set out, and the Trust deed was signed by the Rev. Thomas Scott and J. O. Russell, Esq., and witnessed by Colonel Boyes, Rev. Dr. Urwick, and Rev. J. J. Black.

Mr. GERRON.—These three trustees were dead at the time our Board took it up, and the Rev. Thomas Scott was the entire manager.

2293. Lord Justice FITZGERSON.—The meeting at which that resolution was adopted was in August, 1839.

Rev. S. G. Cotton.—I would desire to make a few observations with reference to the question of amalgamation, I having taken charge of four of the boys.

2294. Lord Justice FITZGERSON.—Amalgamation with what?

Rev. S. G. Cotton.—Amalgamation with the Caragh Orphanage.

2295. Lord Justice FITZGERSON.—Describe the

constitution of the Caragh Orphanage and the property that belongs to it?

Rev. S. G. Cotton.—I was a very intimate friend of the late Rev. Mr. Scott, and he asked me to put myself more prominently forward in connection with this orphanage.

2296. Professor DOUGHERTY.—Your name does not appear on this minute?

Rev. S. G. Cotton.—I felt I could not attend the meetings regularly. He frequently asked me to attend, but I declined to act on the committee. I however went there after his death, and visited the school.

2297. Lord Justice FITZGERSON.—Were you ever a guardian of the school?

Rev. S. G. Cotton.—I never was a guardian.

2298. Lord Justice FITZGERSON.—Were you ever a subscriber to it?

Rev. S. G. Cotton.—Yes; perhaps I am wrong in saying that.

2299. Lord Justice FITZGERSON.—Were you a subscriber or not?

Rev. S. G. Cotton.—I have helped the institution.

2300. Lord Justice FITZGERSON.—Were you a subscriber under the rules?

Rev. S. G. Cotton.—No; I don't think I was; but after Mr. Scott's death I visited the school, and found the children in want and destitution. I consulted with Mr. Egan, with the view of carrying on the Home, and we found it utterly impracticable. I then called a meeting of the subscribers, and eight or ten subscribers attended, and Mr. Thornley, one of the guardians, and his sister, were present. That meeting was held in the Home, South Richmond-street, in April, 1851, after the death of Mr. Scott, which occurred in February of that year.

2301. Lord Justice FITZGERSON.—In what capacity did you call that meeting?

Rev. S. G. Cotton.—As the friend of the late Mr. Scott, and as one who visited the school and taught in the school. I had been also working with Mr. Scott in his office in D'OLiver-street.

2302. Dr. TRAILL.—You were a volunteer under the description of a clergyman who holds and preaches the truth?

Rev. S. G. Cotton.—I had visited the institution at Mr. Scott's special request. The meeting to which I refer was called in April, 1851. The Rev. Canon Robinson was curate of St. Mathias at the time, and he took the chair. At that meeting it was discussed and various suggestions were made as to what should be done with the children in the Home. Canon Robinson can refresh my memory as to what took place. He was in the chair on the occasion, and various proposals were made as to what should be done with the children who were almost in a state of starvation. We had been making collections and asking contributions toward their support. It was finally resolved at that meeting—and I thought there was a minute made of it by Mr. Egan—that the best thing that could be done was to transfer the boys to the Caragh Orphanage. At Mr. Thornley's suggestion an agreement was drawn up for the purpose of amalgamating the Home with the Orphanage. That agreement was written out and sent to the Rev. Alex. King, who also signed it with Mr. Thornley, approving of the removal of the children to the Caragh Orphanage. The Rev. Alex. King, who was resident in England, and Mr. Thornley were the only surviving guardians of the Home at that time.

2303. Lord Justice FITZGERSON.—What relation was there between you and the two boys Patrick Shields and John Rooke?

Rev. S. G. Cotton.—Patrick Shields was in the Caragh Orphanage, and John Rooke was an orphan in whom I took an interest, but he never was at the Caragh Orphanage.

2304. Lord Justice FITZGERSON.—How did he get into the Orphan Home?

Jan 17, 1861.

Mr. William Gannon

Dec. 17, 1881.
Mr. William
Gordon.

Rev. S. G. Cotton.—He was recommended by me.
2306. Lord Justice Fitzgerald.—You are entered here as paying for them—

“March, ’61. Rev. S. G. Cotton, one quarter’s payment for Patrick Shiels and John Rooke, ending 1 Feb., ’81, £2 10s. 6d.”

Rev. S. G. Cotton.—That was a contribution from the Caragh Orphanage.

2306. Lord Justice Fitzgerald.—Those boys you sent to the Home?

Rev. S. G. Cotton.—Shiels had been in the Caragh Orphanage before he was sent to the Home, and I had recommended that he and Rooke should be admitted into the Home. I think that makes my claim the stronger.

2307. Lord Justice Fitzgerald.—Not as a contributor to the charity, except paying for these boys in the Home.

Rev. S. G. Cotton.—As boarders.

2308. Lord Justice Fitzgerald.—You were responsible for the keep of these boys in the “Home,” and not the “Home,” itself?

Rev. S. G. Cotton.—Clearly.

2309. Lord Justice Fitzgerald.—You were paying for them in the Orphanage?

Rev. S. G. Cotton.—Yes, I admit that.

2310. Lord Justice Fitzgerald.—I find here other entries of payments; James Archer, five shillings, on the 16th March, ’81.

Rev. S. G. Cotton.—That was some subscription I got. Are these payments entered there?

2311. Lord Justice Fitzgerald.—Payments by you to the institution?

Rev. S. G. Cotton.—It is a wrong term that is used. It should be contributions. Payment was an incorrect description. It is quite possible Mr. Scott wrote saying the funds were very short, and that I contributed payments for these boys to assist him. The reason I sent Patrick Shiels from the Caragh Orphanage to the Home was because he was getting too large for my female teacher and Mr. Scott had a male teacher.

2312. Rev. Dr. Molloy.—The other sums are all entered as subscriptions, and yours alone is entered as a payment?

Rev. S. G. Cotton.—Is there any entry for John Rooke?

2313. Lord Justice Fitzgerald.—Yes; Rev. S. G. Cotton one quarter’s payment for Patrick Shiels and John Rooke ending 1st February, ’81, £2 10s.; that would be £10 a year for the two, paid in quarterly payments. Then there is an entry, 16th March, ’81, for James Archer, 5s.

Rev. Dr. Molloy.—I find every other entry is entered as a subscription and yours is entered as payment for the boys.

2314. Lord Justice Fitzgerald.—It seems plain that you sent the boys into the orphanage and that you paid for them?

Rev. S. G. Cotton.—No doubt; and I think that places me in a better position as regards my claim.

2315. Professor DOUGHERTY.—It appears that you got full value for all you paid the institution?

Rev. S. G. Cotton.—Yes, I admit that. Two boys even moderately supported for £10 a year would be very reasonable.

2316. Lord Justice Fitzgerald.—Particularly when the Commissioners of Charitable Donations and Bequests paid you £34 afterwards.

Rev. S. G. Cotton.—But that was in respect of other boys.

2317. Rev. Dr. Molloy.—I find here another entry—Rev. S. G. Cotton on account for Patrick Shiels and John Rooke, £5?

Rev. S. G. Cotton.—That is quite right. This agreement amalgamating the two institutions was signed by the two surviving guardians on the 4th May, 1881, the meeting being held in April.

2318. Professor DOUGHERTY.—Who were the two surviving guardians?

Rev. S. G. Cotton.—Mr. Thornley and the Rev. Alexander King.

2319. Professor DOUGHERTY.—Had the other guardian died?

Rev. S. G. Cotton.—Yes. The Rev. Mr. Scott was the last guardian who died.

2320. Professor DOUGHERTY.—I find from a report of the orphanage for 1866, that the Rev. J. J. Black was a guardian and I am happy to say he is still alive!

Rev. S. G. Cotton.—It was certified to me that the only surviving guardians were Mr. Thornley and the Rev. Alexander King. I made that abstract statement on Mr. Thornley’s information.

2321. Lord Justice Fitzgerald.—Mr. Cotton appears to have had only regard to two of the guardians. There is another gentleman, Mr. George Foley, whom I knew. He was a barrister, and I find he was one of the guardians of this institution. I cannot state of my own knowledge when he died, but it would rather surprise me to find he was dead at the date of this meeting in May, ’81, to which Mr. Cotton refers?

Rev. S. G. Cotton.—I made distinct inquiry as to who were the surviving guardians, and I was informed that the only surviving guardians were Mr. Thornley and the Rev. Alexander King.

2322. Professor DOUGHERTY.—What was the date of the meeting?

Rev. S. G. Cotton.—4th May, ’81.

Lord Justice Fitzgerald.—I have no doubt you did the best you could for the boys when you found the circumstances in which the Home was placed.

2323. Professor DOUGHERTY.—There is another gentleman here, the Rev. Denham Smith; he was not dead in ’81?

Rev. S. G. Cotton.—Here is the last list of the guardians of the institution.

2324. Professor DOUGHERTY.—What is the date of that?

Rev. S. G. Cotton.—It does not appear. I will read you out the list—the last list issued by Mrs. Scott. It is the list I went by. Guardians—the Hon. Mr. Casterson Smith, Mrs. John Prior, Rev. Alexander King, Rev. Thomas Scott, Rev. J. J. Black, &c., &c., Rev. R. G. Jones, James Thornley, Esq., Colonel Warburton, George Foley, Esq., &c. Mrs. John Prior was written to, to attend, and did not attend; Mr. George Foley was also written to. It was by that list I went at the time.

2325. Lord Justice Fitzgerald.—If he was written to he must have been a survivor!

Rev. S. G. Cotton.—I suppose Mr. Eager knew more of the working of the institution than I did, and he applied to the parties.

2326. Rev. Dr. Molloy.—What was the date of this meeting?

Rev. S. G. Cotton.—It was sometime in April, 1881.

Mr. B. R. Colclough.—Mr. George Foley was dead before the 7th November, 1881.

Rev. S. G. Cotton.—I wrote a letter to Mr. Eager to summon a meeting of the subscribers and guardians, and I was informed the only surviving guardians were Mr. Thornley and the Rev. Alexander King.

2327. Lord Justice Fitzgerald.—As the friend of the late Mr. Scott you did the best you could to get the friends of the institution together, and are what could be done with the boys?

Rev. S. G. Cotton.—I did. I took four of the boys whom I have already referred to. I took two into the Caragh Orphanage, and I sent two to Elphin, the boys were John Rooke, Patrick Shiels, William Nowlan, and Henry McLaughlin. What have I done with these boys? The £54 did not cover the expenses even of me. John Rooke was a clever boy, and I sent him to a classical school in Elphin.

2322. Rev. Dr. MOLLOY.—Bishop Hudson's school at Elphin?

Rev. S. G. COTTON.—Yes. John Brooke distinguished himself at that school, and we paid £50 for to bind him to an apothecary in Carrickmacross. Brooke is now manager of a medical hall at Ballymossaduff. He was also sent to Elphin school. He was afterwards sent out to America at considerable expense. I would therefore appeal to you strongly on the question of amalgamation, and in regard to the expenditure incurred. Another boy who is here present we put to a good business, the printing. I may mention to the Commissioners that our industrial work at the Caragh Orphanage is printing, and our printing is not very despicable, as you will see by that (hands in a copy of the orphanage report), the first part of that was printed by Mr. Healy, and the remainder type portion was printed by our boys at the Caragh Orphanage school press. Some expense had to be gone to for the necessary machinery, and I had to learn the business first myself, and then teach it to the boys. The other two boys were taught painting in the Caragh Orphanage; and one of them, Henry McLaughlin, who is present, was bound to Mr. Purdon, on Bachelor's walk. Master printers, having regard to the training the boys receive in the orphanage, generally allow orphan boys taken out of the orphanage to be appreciated to the printing trade two years' credit for the education in the trade which they have already received; so that after a boy is bound, and after he serves five years, he comes out with seven years' indentures. Henry McLaughlin is at present in his third year, and in two years more he will be out of his time, with a seven years' indenture. Printing, I think, must be regarded in a higher light than a trade; it is almost an art. The other boy, Patrick Shelm, was also sent to Bishop Hudson's school at Elphin. He emigrated to Canada. He was taken up by a Captain Chambers, and I believe he is at present in the management of about 100 acres of land. That is doing something for the boys. William Newlan was also taught painting at our orphanage, and I sent him to Dublin to a printing establishment, but he did not turn out well.

2323. Lord Justice FRERGINSON.—All this is very interesting, no doubt; but it has a very remote bearing, if any, on the question with which we have to deal, namely, as to the best way of disposing of the endowment. We give you credit for looking after these boys when nobody else would do so, and taking them into the Caragh Orphanage, an institution supported by voluntary subscriptions. These boys are now provided for, and in consideration of that you get a sum of money from the Commissioners of Charitable Donations and Bequests. But anything you would do for these boys is all in the nature of current outlay and current expense. We are dealing with the capital funds of the old Orphan Home in South Richmond-street, and the question is what we are to do with the capital funds of that institution.

Rev. S. G. COTTON.—Then I would urge on your consideration two matters. First of all, by the only authority I could procure, namely, the meeting in April, 1881, and the written authority of the two surviving guardians, that there was an amalgamation of the two institutions, the General Orphan Home and the Caragh Orphanage.

2324. Lord Justice FRERGINSON.—There is no amalgamation, and there was no power to amalgamate the two institutions, even if all the guardians had been present in the year 1881. The matter was gone into by the Master of the Rolls on two occasions, he being himself a member of the Board of Charitable Donations and Bequests, and by himself in court on the hearing of the Geary bequest; and he in court and as a member of the Board, declined to recognize the amalgamation of the two institutions, which you allege has been effected by that document. I do not

see how he could have come to any other conclusion. There was no amalgamation, and I do not see how we could go behind the decision of the Master of the Rolls.

Rev. S. G. COTTON.—But there is an appeal from the decision of the Master of the Rolls pending. I do not think the result of that appeal, however, would be favourable to me, having regard to the opinion your Lordship has just expressed.

2325. Lord Justice FRERGINSON.—I feel bound candidly to tell you what I think on this question; and if my opinion, given in this way, should have the effect of saving you trouble and expense, I should be very glad. We should like to know what it is precisely you want.

Rev. Dr. MOLLOY.—What do you mean by amalgamation? Is it that this endowment of £56 a year, applicable to the General Orphan Home, should be applied to the Caragh Orphanage?

Rev. S. G. COTTON.—That is precisely what I mean.

2326. Professor DOUGHERTY.—Have you any copy of the constitution of your orphanage, or its by-laws, which would enable us to judge of its character?

Rev. S. G. COTTON.—Nothing but our report, which I have placed before the Commissioners, and the fact that we receive every destitute child.

2327. Professor DOUGHERTY.—Is it conducted on Christian principles "as broad as the Gospel and as wide as the Kingdom of Heaven"?

Rev. S. G. COTTON.—Yes. We carry it on on Christian principles, and if you ask our boys what religion they are, their answer is they are Christians. Protestant is a very good title, but a far higher title is that of Christian.

2328. Professor DOUGHERTY.—You don't teach denominational formularies in your orphanage?

Rev. S. G. COTTON.—We do, the catechism taught is the catechism of the Church of Ireland.

2329. Professor DOUGHERTY.—Is all your religious instruction in accordance with the doctrine of the Church of Ireland?

Rev. S. G. COTTON.—They are instructed on the word of God. We bring them up as members of the Church of Ireland.

2330. Dr. TRAILL.—But they prefer to call themselves Christians?

Rev. S. G. COTTON.—Yes; it is a word of the highest significance. Mr. Hercules M'Donnell, speaking of the Orphan Home, said it appeared to be essentially a Dublin charity, and if there was any fusion or union it should be with a Dublin charity. It is really not a local charity, but its field is the world, and orphans are received into it from every part of the United Kingdom.

2331. Professor DOUGHERTY.—In the report the General Orphan Home is stated to be conducted "simply on Christian principles as broad as the Gospel and as wide as the Kingdom of Heaven. Its chief object is to Christianize and save the children who are eligible for admission from any place."

Rev. S. G. COTTON.—Yes. I contend that the Caragh Orphanage, if you consent to amalgamation, will carry out the objects for which the Home was established at Portobello. Should the Commission not agree to that or adopt my view, I would then urge another point, namely, that the expense which the Caragh Orphanage fund incurred, in taking charge of these boys and providing for them afterwards out in the world, should be defrayed out of the available fund.

2332. Lord Justice FRERGINSON.—But these expenses have been already defrayed?

Rev. S. G. COTTON.—Yes, but out of what fund? The Caragh Orphanage fund. The subscriptions mentioned were spent on these boys and considerably more.

2333. Lord Justice FRERGINSON.—And that is supplemented by a payment of £54 from the Commissioners of Charitable Donations and Bequests, so we

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Mr. William
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have a closed account so far as the expenses of these boys is concerned.

Rev. S. G. Cotton.—Although it would appear it was from the funds of the Caragh Orphanage these boys were provided for, a great deal of the expense came out of my own personal pocket. There is the last balance sheet, and the auditors have shown that I am £86 18s. 11½d. out of pocket.

2340. Rev. Dr. MOLLOY.—I understand the two boys, Patrick Shields and Patrick Books, were boys you sent to the Portobello Orphanage, and paid for there; and when that institution came to an end you took them elsewhere—that gives you no claim on the endowment of the Portobello Orphanage?

Rev. S. G. Cotton.—Very well, that is for the Commission to decide and I have stated the facts.

2341. Rev. Dr. MOLLOY.—You gave a donation of ten guineas, and in consideration of that you were allowed to send two boys?

Rev. S. G. Cotton.—No; I made certain payments.

2342. Dr. TRAILL.—It seems to me it was the Caragh Orphanage gained by the transaction, and that it is you who owe the General Orphan Home something?

Rev. S. G. Cotton.—The entire of the payments were made as from the Caragh Orphanage.

2343. Professor DOUGHERTY.—You gave the funds of the Caragh Orphanage. We have these boys maintained in the institution in Dublin for £10 a year?

Rev. S. G. Cotton.—The money was certainly given. I have the entry of these payments.

2344. Lord Justice FITZGERSON.—Dr. Traill thinks the General Orphan Home has a claim on you?

Dr. TRAILL.—That is my point.

Rev. S. G. Cotton.—Even if you strike out of consideration these two boys, the other two boys belonged to St. Peter's Parish.

2345. Lord Justice FITZGERSON.—We may write off for the present these two boys, Shields and Books; but the other two—how long did you keep them?

Rev. S. G. Cotton.—Henry M'Loughlin reminds me he was going on in his eighth year at the Caragh Orphanage before being apprenticed to Mr. Furdon, seven years from 1881.

2346. Lord Justice FITZGERSON.—In 1877 he was six years old. That would make him born in 1871; and in 1881 he would be about ten years old?

Rev. S. G. Cotton.—I rather think he is about eighteen years old at present.

2347. Lord Justice FITZGERSON.—The other boy, Wm. Nowlan, how long was he with you?

Rev. S. G. Cotton.—He was between three and four years with me.

2348. Lord Justice FITZGERSON.—He was born in 1881; how long did he stay with you?

Rev. S. G. Cotton.—Between three and four years, and I recommended him to a printing establishment in Dublin. He is now a footman, as he did not stay at the printing business.

2349. Lord Justice FITZGERSON.—Mr. Gerson, can you say how the sum of £54, paid to the Rev. Mr. Cotton, was arrived at?

Mr. Gerson.—I cannot say from memory, but our minute book would show it.

Rev. S. G. Cotton.—Here is a letter from Mr. McDonnell. It is an official letter, May 22nd, 1873, in which Mr. McDonnell writes:—

"I remember very distinctly the £54 was given to you, not for any other institution, but for some pupils in the Richmond-street Orphanage, who were left there destitute, and when you kindly took charge of when the orphanage was closed, the Commissioners thought the funds might be fairly applied to the pupils who were inmates of the Richmond-street Orphanage."

2350. Rev. Dr. MOLLOY.—The £54 was given to you to take charge of the boys?

Rev. S. G. Cotton.—Yes; but I look on that only as an instalment given for two boys. I went to much

greater expense in reference to them than £54. One of three boys is an apothecary, and the other nearly out of his time as a printer. I certainly went to greater expense for these two boys than £54 would pay. I make two claims, one is for amalgamation, and if you throw that overboard, then I contend I have a claim on the existing fund even for these two boys.

2351. Rev. Dr. MOLLOY.—Were they orphans—both parents dead?

Rev. S. G. Cotton.—Yes.

2352. Rev. Dr. MOLLOY.—Was not the Caragh Orphanage established for receiving such boys as these?

Rev. S. G. Cotton.—Yes; the establishment of the Caragh Orphanage dates from 1856.

2353. Rev. Dr. MOLLOY.—Is it a suitable application of your charity to apply it to such boys?

Rev. S. G. Cotton.—Yes.

2354. Rev. Dr. MOLLOY.—And having so exercised your charity you now want to get your money back?

Rev. S. G. Cotton.—But the funds of the Caragh Orphanage charity should not suffer: for example, I am at present £150 out of pocket, and by the last balance-sheet I was between £60 and £70 out of pocket.

2355. Rev. Dr. MOLLOY.—You would like to get this endowment for the Caragh Orphanage, but failing that you would take compensation for your expenditure?

Rev. S. G. Cotton.—Exactly.

2356. Dr. TRAILL.—How much compensation do you consider you would be entitled to?

Rev. S. G. Cotton.—I have made a rough calculation.

Lord Justice FITZGERSON.—In a document of the 7th November, 1882, I find a statement:—

"As to your claim for £38 for the maintenance of poor orphans, in its present form it would be useless to submit this claim to the Commissioners as it should be divided into two separate heads—the first is the expense of relieving orphans who were in the house at the time of Mr. Scott's death. If you were able to save them from destitution the Commissioners are disposed to recoup you for such outlay. The second claim refers to your expense in receiving and subsequently keeping some of the orphans. This stands on a different footing. You have no claim on the endowments of the General Orphan House unless the Court of Chancery should so decide."

This is signed by Mr. Hercules McDonnell, Secretary of the Commissioners. You received that document?

Rev. S. G. Cotton.—I did.

2357. Lord Justice FITZGERSON.—The Commissioners appear to have given into your claim, and allowed you £54 odd.

Rev. S. G. Cotton.—Yes.

2358. Lord Justice FITZGERSON.—That settles your claim as regards these boys, and reduces your case to what portion of the endowment, if any, is applicable to the Caragh Institution?

Rev. S. G. Cotton.—The payment of that £54 only satisfied the claim up to a certain point.

2359. Dr. TRAILL.—What is your claim now in respect to the four boys?

Rev. S. G. Cotton.—£196, roughly calculated, for the four boys.

Mr. Gerson.—Did you not make a larger claim before the Master of the Rolls?

Rev. S. G. Cotton.—I have gone into the different items of outlay separately.

2360. Dr. TRAILL.—When you were making up the amount so roughly, you might as well have put it down as £200. If that was a rough calculation, I wonder what a smooth one would be?

Rev. S. G. Cotton.—I did not put the boy, John Books, forward as an apothecary without considerable expense.

2361. Lord Justice FITZGERSON.—I entertain no doubt he was very well treated and provided for as an object of the Caragh Orphan Charity, but not

charity cannot demand contributions from another charity?

Rev. S. G. Cotton.—I do not consider I have received sufficient compensation in respect of these boys.

1362. Lord Justice FRYGROVE.—It comes back to the old question of amalgamation. If there had been an amalgamation in 1881, you would have these funds to supplement your own, and charge them against the general account. You had not been able to show there was any amalgamation, and the Commissioners of Charitable Donations and Bequests allowed you £24 in respect of your claim against the funds of the old General Orphan Home as regards these individual boys.

Rev. S. G. Cotton.—Take two boys for instance. The funds are liable for Henry McLaughlin and William Nowlan. If you leave aside Shiels and Rodie, it is clear I have a claim for the maintenance of Henry McLaughlin and William Nowlan, and the expenditure on these boys is £24 at the very lowest calculation.

1363. Lord Justice FRYGROVE.—We are willing to admit the boys out of the Caragh Orphanage that you.

Rev. S. G. Cotton.—And at present I am £180 out of pocket as shown by the Caragh Orphanage balance sheet. I was out of pocket £70 every year. I am out of pocket, in fact I am working for nothing as the expense of the charity exceeds the income.

1364. Rev. Dr. MOLLON.—That is what makes it a charity, that you are doing it without being paid for it!

Rev. S. G. Cotton.—I don't quite understand you.

1365. Rev. Dr. MOLLON.—You received these boys into your orphanage as a charity?

Rev. S. G. Cotton.—Yes.

1366. Rev. Dr. MOLLON.—And now you ask to be paid for your charity?

Rev. S. G. Cotton.—But these two boys were received in a destitute condition and provided for by me.

1367. Dr. TRAILL.—Were these boys in addition to the number you otherwise had?

Rev. S. G. Cotton.—They were taken in in addition.

1368. Dr. TRAILL.—When you took them over you thought you should not desert them until you finished with them?

Rev. S. G. Cotton.—Yes; I put them out in the world as at to provide for them.

Mr. Gerson.—I may mention that the question of amalgamation came distinctly before the Master of the Rolls, and the Rev. Mr. Cotton sought to capture the Gory bequest on the ground of amalgamation, and the order distinctly set out that there was no amalgamation.

1369. Dr. TRAILL.—Your claim was admitted up to 1882, and you wanted it admitted to 1890?

Rev. S. G. Cotton.—Yes.

1370. Lord Justice FRYGROVE.—Another document was supplied to the Commissioners of Charitable Donations and Bequests in 1883, by Mr. Raper, the Registrar of the General Orphan Home, in which he sets out the rules of the schools:—

"The children admitted to the Home were brought up in the principles of the Protestant Evangelical Church. Service of the Church was conducted every Sunday from the authorised version of the Book of Common Prayer. Every child provided with a Bible and Formulary of the Church. The school, as its name indicates, being a General Orphan Home, Roman Catholics were admissible."

Looking over the old minutes and other documents, I would infer that all denominations of Protestants not only contributed to the funds of the school, but took part in its management, and the idea was, that all denominations were to share in it whether that was practical or not.

Mr. Gerson.—Roman Catholics had no benefit in it.

1371. Lord Justice FRYGROVE.—I suppose they would not accept it on principle, but there was an offer to allow them to share in it if they chose.

1372. Mr. Herbert S. Colclhurst, M.A.—I appear as one of the governors of St. Peter's Parochial Schools, and a scheme was settled by the Commissioners on the 6th July, 1885, when the whole matter was fully before the Commissioners. This charity—the General Orphan Home in South Richmond street—may, I take it, be held to have ceased to exist, and the possibility of reviving it is remote indeed.

1373. Lord Justice FRYGROVE.—The disposal of the premises in South Richmond street, I apprehend, puts an end to the question of reviving the Orphanage at all events on these premises?

Mr. Colclhurst.—The premises being let on lease for a term of 91 years. That being out of the question, I submit St. Peter's Schools in many ways, both as regards locality, objects, and circumstances closely resemble the General Orphan Home as it existed, and that consequently the St. Peter's Parochial Schools would be reasonably entitled to a considerable proportion of the funds of this endowment. I understood the Lord Justice to throw out that the distribution of the endowments would be regulated very much by the similarity of other institutions to the General Orphan Home as it existed. As regards St. Peter's Parochial Schools the scheme was drawn up with very great care. The ecclesiastical parish of St. Peter and the civil parish are separately defined in the scheme. First of all the St. Peter's Parochial School and the General Orphan Home were both in the ecclesiastical parish of St. Peter. The school in New Bridge-street is similar in all respect to the school of the General Orphan Home. The 20th clause of the scheme gives the qualifications for pupils, and one is that they shall be the lawful child of parents, one or other or both of whom shall have been permanently resident in the civil parish of St. Peter, both of whom shall have been members of the said Church, and either of whom shall be dead or incapable of earning a livelihood. That is one of the special provisions for the boarding school of St. Peter's.

1374. Professor DOUGHERTY.—That would put your school on a different footing from the Orphan Home. It restricts the benefits of it to members of the Church of Ireland.

Lord Justice FRYGROVE.—Supposing we thought you had a claim, a share of the endowment would be the most the Church of Ireland could claim; no contribution to you could be regarded as meeting the demand the Presbyterian Body or Independents would have on the fund.

1375. Professor DOUGHERTY.—And you ask that the property belonging to your Church should be applied to the St. Peter's parish schools.

Mr. Colclhurst.—Yes; on the ground that it is an institution which most nearly resembles the General Orphan Home, South Richmond street, when it was in existence. The day schools of St. Peter's and the Sunday schools are open to pupils of all religious denominations.

1376. Dr. TRAILL.—They are National Schools?

Mr. Colclhurst.—They are.

1377. Lord Justice FRYGROVE.—There was an Orphan Home; and the day schools set open to children of all denominations.

Rev. Canon Jellist.—We have Sunday and day schools.

1378. Lord Justice FRYGROVE.—The Orphanage is the first idea!

Mr. Colclhurst.—An orphanage does not necessarily mean it should be restricted to the children of one denomination.

1379. Lord Justice FRYGROVE.—An orphanage with a day school attached is the constitution of the old General Orphan Home. The day school pupils even on the old plan were part of the objects of the charity.

Rev. Dr. MOLLON.—Having an institution there

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with a master attached to it they take the opportunity of having a day school also?

Mr. Colthurst.—Yes, and a Sunday school, and so far St. Peter's parochial school resembles the General Orphan Home. There is a boarding school for boys and girls and a day school also.

2390. Lord Justice FITZGERSON.—Do you know anything of St. Matthias' schools. Is there a boys day school?

Mr. Colthurst.—There is a boys day school, and the General Orphan Home was in the district of St. Matthias, but within the ecclesiastical parish of St. Peter.

2391. Lord Justice FITZGERSON.—St. Matthias' day school is an ordinary school connected with the church?

Mr. Colthurst.—I am not aware, but I believe they are ordinary day schools connected with the Church. As regards the St. Peter's parochial schools, I may mention that pupils come from all parts of the civil parish of St. Peter's, and we have children from St. Matthias.

2392. Professor DOUGHERTY.—Are you restricted in the scheme to the parish of St. Peter?

Mr. Colthurst.—The civil parish of St. Peter, and that includes St. Matthias.

2393. Dr. TRAILL.—It includes St. Stephen's parish also.

Mr. Colthurst.—Twelve boys are boarders in St. Peter's schools, and in the girls boarding school there are no children at present, as it is closed simply from want of funds.

2394. Lord Justice FITZGERSON.—How much is required to support a boarder for the year in St. Peter's schools?

Mr. Colthurst.—The amount required to support a boarder for one year in the St. Peter's parochial schools is £18. We have accommodation for a great many, for about forty boys and girls; in the boys school at present there are twelve boarders, and in the girls school none, the funds at our disposal being nearly exhausted. By the balance sheet for 1889, and leaving out a legacy, I find the expenditure was £108 18s. 10d., and there was a balance of £2 5s. 6d., and £58 9s. 4d. was the previous balance, so that the receipts practically did not meet the expenditure, and the girls school remains closed.

2395. Lord Justice FITZGERSON.—And you think if you got a portion of this endowment £36, it would meet your claim?

Mr. Colthurst.—Yes; we could dispose of the whole thing if we got it.

2396. Dr. TRAILL.—Do you consider that your numbers in the St. Peter's parish district would justify you in asking for £36 out of £36?

Mr. Colthurst.—I do, undoubtedly.

2397. Dr. TRAILL.—You think you have ten more than the other Protestant denominations?

Mr. Colthurst.—I may mention that a very large number of the pupils who were in the General Orphan Home came from St. Peter's parish. We find absolutely one-sixth came from the parish of St. Peter; others are put down as from Dublin, and may have been from St. Peter's parish.

2398. Professor DOUGHERTY.—According to their report the sphere of the charity was the whole world.

Mr. Colthurst.—No doubt.

2399. Lord Justice FITZGERSON.—A good deal turns on where the money came from. Lady Elizabeth Butler appears to have been the first subscriber. She was not a parishioner?

Rev. Canon Jellott.—I don't know that at all.

2400. Lord Justice FITZGERSON.—Her address was given somewhere else. I find a lady in York-street

St., and there were subscribers in Rathfriland, Kingstown, Harcourt-street; Oldcastle, co. Meath; Westmoreland-street; Arklow; Ballinacree; and the Dowager Lady Dunally, Monkstown. The list of subscriptions shows a good deal of money from England; there are subscriptions from Canada; an anonymous contribution from Carrickmacross, Midleton, Portarlington; there are some subscriptions from Bath, Cheltenham, £10 from Miss Richardson, Brookborough, &c.

Professor DOUGHERTY.—It would appear that pupils were received from any part of the world?

Mr. Colthurst.—That is so; but still the greater proportion of them were drawn from the parish of St. Peter.

2391. Rev. Dr. MOLLOY.—Does your school fulfil the condition of being "as broad as the Gospel and as wide as the Kingdom of Heaven?"

Mr. Colthurst.—That is a general expression, having no very precise meaning.

2392. Lord Justice FITZGERSON.—Is there any other orphanage connected with the Church of Ireland in that neighbourhood except yours?

Rev. Canon Jellott.—No. There is a general orphanage in connection with St. Catherine's and St. Thomas also. We would urge on the Commissioners the similarity of St. Peter's Schools to the General Orphan Home. These schools belong to the Church of Ireland. The form of admission to the St. Peter's boarding school is an old form similar to the form of admission which was in use in the General Orphan Home. We have no desire to claim anything except what the Commissioners may think we are fairly entitled to.

Mr. Colthurst.—In addition to that, Mr. Maxwell tells me he has several forms filled up of the General Orphan Home, and they are practically the same forms as those used in St. Peter's.

Mr. Gerson.—It just occurs to me in reference to the machinery of any scheme. The legal estate in the South Richmond-street premises is vested in Mr. Seaver. He is a very old man and if he died there might be some difficulty. I would suggest that he should be directed if it and that it should be vested in the Board of Governors.

2393. Lord Justice FITZGERSON.—Having regard to the fact that you have already property in the immediate neighbourhood, the Burchill property, the simplest way would be to vest the reversion in the lease in your Board.

Mr. Gerson.—I don't think we could accept it.

Lord Justice FITZGERSON.—If you would not accept it, we should try to vest it in some official trustees; St. Peter's Board would be as good as any. We can easily find some one to vest the property in.

2394. Dr. TRAILL.—How many of the ninety-nine years have expired?

Mr. Gerson.—Not more than fifteen.

2395. Dr. TRAILL.—At the end of that time would there be any value in the property at all?

Mr. Gerson.—I could not answer that.

2396. Dr. TRAILL.—If the lease expired the rent would be gone?

Lord Justice FITZGERSON.—But you would still have the premises?

Mr. Maxwell (solicitor).—There are only three years of the lease given to the assignees.

2397. Lord Justice FITZGERSON.—It is the fee farm interest that is vested in Mr. Seaver?

Mr. Maxwell.—Yes.

Lord Justice FITZGERSON.—The profit rent would go when the lease expires, but you would have the premises.

Rev. R. WALSH, D.D.

2398. I appear on behalf of the Protestant Orphan Refuge Society.

2399. Lord Justice Fitzgerald.—What is the constitution of the Protestant Orphan Refuge Society?

Rev. Dr. Walsh.—I do not lay claim to all of the fund as against St. Peter's Schools, but I certainly do claim it as against the Caragh Orphanage. The Orphan Refuge Society is a charitable society, supported partly by subscriptions invariably given by members of the Church of Ireland, and partly supported by bequests. The hon. sec. are the Revs. J. H. Monahan, D.D., R. B. Stoney, D.D., and myself. Our office is in 23, Malesworth-street. We work the society by a committee elected at the annual meeting of the subscribers. Our society exists for the education, maintenance, putting forward in life, and training in the principles of the Church of Ireland, of destitute Protestant orphans of mixed marriages, that is to say, the destitute orphans of parents, one of whom was a Protestant, the other a Roman Catholic. Let us harmonize one matter. This is in no sense a proselytizing society. We seek simply to preserve those who are our own. It is the distinct aim of our society to preserve those who belong to us. We send our young people out to nurse in respectable families' houses in the country, where they are under the supervision of the parochial clergy. Members of the committee regularly inspect the children in these houses, or at school, and subject to the direction and supervision of the committee the children are treated as members of the family in the houses where they are at nurse. This method of rearing destitute children under the influence of home life is found the most satisfactory and effective way of bringing them up. When the children are old enough to be apprenticed, we send them to Protestant employers, generally in Dublin, where they are still under the supervision of our institution. Now, I wish to point out to the Commissioners how nearly allied are the objects of this society with the objects of the Rev. Mr. Scott's orphanage in South Richmond-street, more nearly possibly than in the case of any other institution. It is acknowledged in the proceedings here to-day that the Rev. Mr. Scott admitted into his Home children of all denominations. I would say of the Rev. Mr. Scott's Home that it was rather of a proselytizing character. He had Roman Catholic children in it. The Orphan Refuge Society is not that, but it is an orphan society, solely for the reception of the orphans of mixed marriages—namely, of marriages in which there is an element of Roman Catholicism. It was acknowledged that all children admitted into the Rev. Mr. Scott's Home were brought up and instructed in the doctrine of the Church of Ireland. We do not claim all of this endowment as against our brethren of the Presbyterian Church, if their Orphan Society takes under its care orphans of mixed marriages. But in dealing with the matter, I would press on the Commissioners that it was principally members of the Church of Ireland who contributed to the funds of this endowment, and it is admitted in evidence here that the Rev. Mr. Scott was a clergyman of the Church of Ireland, that in his Home he taught the children the catechism of the Church of Ireland, and that all children maintained in the Home were instructed in the doctrine of the Church of Ireland. On the whole, it was a Church of Ireland training which the children received. I have stated that I do not claim all of the endowment as against St. Peter's Parochial Boarding School, since as it is in the same parish in which the General Orphan Home existed; but I do claim as against the Caragh Orphanage. The Rev. Mr. Cotton acknowledged he was never a guardian of the General Orphan Home. He acknowledged he never was a subscriber.

Rev. S. G. Cotton.—I beg your pardon. I contributed to the funds of the orphanage.

2400. Rev. R. Walsh, D.D.—The Rev. Mr. Cotton acknowledged that he never was a subscriber out of his own pocket, in the ordinary sense, to the funds of Mr. Scott's Orphan Home. Mr. Cotton also stated, and dwelt on the fact, that he was an intimate personal friend of Mr. Scott's, and I call the attention of the Commissioners to that statement. Mr. Scott was in failing health for some time, and the institution was failing during Mr. Scott's later years. Now, if Mr. Scott wished the Home to be perpetuated through the Caragh Orphanage, surely, well aware as he was of the existence of us—intimate as he was, according to Mr. Cotton's account, with the head and sole head of it—surely, if ever a man who made a will had an opportunity of carrying out such a wish, it was natural to assume, if he so desired, that he would have carried it out in his will. I should, therefore, press the claims of our Society as against the Caragh Orphanage. This Orphan Refuge Society has existed as a recognised institution of the United Dioceses of Dublin, Kildare, and Glendalagh from 1838. We are perfectly willing you should inspect its books, or send a deputation to inspect our children. The Commissioners will be satisfied that the work of the Society is carried out most efficiently. It does its work well, and has the great advantage of continuance. When the Rev. Dr. Monahan or I die, other clergymen will fill our places. There is no fear of the Society coming to grief because of its depending on one life. On the other hand, the Caragh Orphanage is solely dependent on the life of Mr. Cotton; practically, he controls everything there. In comparing the Caragh Orphanage with the Protestant Orphan Refuge Society, this must be borne in mind, that the Orphan Refuge Society has a prospect of continuance unaffected by death, unaffected by failing health, while the Caragh Orphanage is entirely identified with one person and with one name.

2401. Dr. TRAILL.—How much can you keep a child for?

Rev. Dr. Walsh.—£8 a year is the average expense while a child is out at nurse.

2402. Dr. TRAILL.—That is different from St. Peter's, where it is £18?

Rev. Dr. Walsh.—But St. Peter's is in a different position. We claim from you, on behalf of our society, such a share of this endowment as the Commissioners think just in the distribution of the fund.

2403. Lord Justice Fitzgerald.—What is the difference between your society and the Protestant Orphan Society?

Rev. Dr. Walsh.—The difference is this—the Protestant Orphan Society only takes under its care orphans both of whose parents were Protestants.

2404. Lord Justice Fitzgerald.—And your Orphan Refuge Society cannot take a child unless one of the parents was a Roman Catholic?

Rev. Dr. Walsh.—That is so.

2405. Lord Justice Fitzgerald.—How long is the Protestant Orphan Refuge Society in existence?

Rev. Dr. Walsh.—It originated in 1838. At first the society received destitute Protestant orphans both of whose parents were Protestants, and also the orphans of mixed marriages; but in about four years afterwards some members of the society thought that orphans, both of whose parents were Protestants, had a stronger claim, and they passed a resolution excluding for the future the orphans of mixed marriages, whereupon a minority resisting that, continued the old constitution of the society as it exists now.

2406. Lord Justice Fitzgerald.—So that the work of the original Protestant Orphan Society is now carried on by two societies?

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Rev. R. Walsh,
D.D.

Rev. Dr. Walsh.—Yes.

2407. Dr. TRAILL.—The Protestant Orphan Refuge Society is a different society from the Protestant Orphan Society?

Rev. Dr. Walsh.—It is a different society. The Protestant Orphan Society has its office in Sackville-street, and the Orphan Refuge Society has its office in Molesworth-street. I am asking for the Orphan Refuge Society a share of the endowment, on the ground that there is this feature in our work—being a society for the orphans of mixed marriages, we have to do with orphans in whose parentage there is an element of Roman Catholicism, and in that respect our society has a resemblance to the General Orphan Home.

2408. Rev. Dr. MOLLOY.—What is the form under which you receive the children of mixed marriages?

Rev. Dr. Walsh.—The secretary will send a copy in to the Commissioners.

2409. Professor DOUGHERTY.—How many children have your society at present?

Rev. Dr. Walsh.—Sixty-four.

2410. Dr. TRAILL.—What is the rule when the surviving parent is a Roman Catholic?

Rev. Dr. Walsh.—Where the deceased parent, the father for instance, dies, and directs that the children should be reared members of the Church of Ireland, in that case we take them.

2411. Lord Justice FITZGERSON.—Do you make any inquiry as regards the legal religious denomination of the child?

Rev. Dr. Walsh.—We do our best to ascertain it.

2412. Lord Justice FITZGERSON.—What course do you take. Do you take the evidence of the surviving parent in the absence of any other information?

Rev. Dr. Walsh.—Yes.

2413. Lord Justice FITZGERSON.—Must the father be dead?

Rev. Dr. Walsh.—Yes, or incapable of earning his bread, or suffering from serious or fatal illness.

2414. Lord Justice FITZGERSON.—Must the mother be dead?

Rev. Dr. Walsh.—No.

2415. Lord Justice FITZGERSON.—The rule of the orphan society is that one parent must be dead, but there is an exception if the father is from illness incapable of doing work; where both parents are living no child will be taken without their authority, and if one parent is dead the child is taken on the application of the surviving one; and further if the surviving parent is the mother, and she happens to be a Roman Catholic the child will not be taken unless where there is a will directing that the child is to be brought up a Protestant?

Rev. Dr. Walsh.—That is so.

2416. Lord Justice FITZGERSON.—Have you had any difficulty about the religious question?

Rev. Dr. Walsh.—Occasionally we had some difficulty; I can recall a case where a surviving mother came of her own accord to us, and proposed a wish to become a member of the Church of Ireland, and having investigated the matter it proved to be a bona fide application. In such a case we would admit the children.

2417. Dr. TRAILL.—If the surviving parent was a Protestant you would admit the child?

Rev. Dr. Walsh.—Yes.

2418. Dr. TRAILL.—But not if the surviving parent, the mother, was a Roman Catholic?

Rev. Dr. Walsh.—Such a case has seldom arisen.

Rev. Dr. Molloy.—I merely wish to add that our society is called the General Orphan Refuge Society, inasmuch as we are accustomed to receive from all parts of Ireland the orphans of mixed marriages, and in doing that we claim to do what the Protestant Orphan Society refused to do. By the exertions of our society we induced the local orphan societies throughout the country to assume the care of the

orphan children of mixed marriages, as well as the care of orphans where both parents were Protestants, and by that means our work, widely extended at first, is now limited chiefly to the diocese of Dublin and its neighbourhood. When the Protestant Orphan Society refused to receive any orphan children but those both of whose parents were Protestants, the Orphan Refuge Society took up the work which has been now extended throughout the whole country. By our last report we had 64 children under the care of the society. I have been honorary secretary for thirty-seven years. We have received from parishes in Dublin a large number of orphan children; from some parishes as many as 30, and from the parish of St. Peter we had over 100 orphans which showed the extent of our work. Now it is practically limited to the area of the city and neighbourhood of Dublin, because the local orphan societies throughout the country have taken on the work which we were most anxious the local organizations should take a share in. As to the legal state of the society, that was settled by ex-Chancellor Nagler, who declared our society was strictly legal.

2419. Lord Justice FITZGERSON.—There is, I believe, in almost every county in Ireland, a county Protestant orphan society?

Rev. Dr. Molloy.—Yes, one which receives the children when both the parents were Protestants and the orphan children of mixed marriages as well. I have been occasionally called down to meetings of the county orphan societies.

2420. Lord Justice FITZGERSON.—What is the relation of the county orphan societies to the General Protestant Orphan Society?

Rev. Dr. Molloy.—Nothing, no relation whatever.

2421. Lord Justice FITZGERSON.—Do you receive children from all parts of Ireland indiscriminately?

Rev. Dr. Molloy.—No, we would not receive them from a place where there is a local society which could receive them.

2422. Lord Justice FITZGERSON (to Mr. F. Spenser).—Are children received by the Orphan Refuge Society in Molesworth-street in cases where the local societies might be unable to receive them?

Mr. F. Spenser.—Children are received from Dublin, Wicklow, and Kildare.

Rev. Dr. Walsh.—This society was the parent of the Protestant Orphan Societies in Ireland.

2423. Lord Justice FITZGERSON.—As I understand it has been replaced in the counties by local organizations, and your work is at present substantially limited to Dublin?

Rev. Dr. Walsh.—Substantially limited to the Dublin diocese—Dublin, Glendalagh, and Kildare.

Rev. Dr. Molloy.—In the first instance the Protestant Orphan Society admitted orphan children both of whose parents were Protestants and the children of mixed marriages as well, but when the rule was changed, and only the orphan children both of whose parents were Protestants, were admitted, the Orphan Refuge Society was formed, and we were constituted to receive the children of mixed marriages, which we consider was in accordance with the intentions of the original founders of the orphan society.

2424. Lord Justice FITZGERSON (to Mr. F. Spenser).—You will kindly send us the last report which contains the rules, and also send us a list of your present pupils, and if your register shows where they come from, let us have a copy of the register. Perhaps you would also send us a copy of the last report of the Protestant Orphan Society.

Mr. F. Spenser.—I will do so.

Rev. & G. Coffin.—May I make a personal explanation. It was stated by Canon Walsh that the Rev. Mr. Scott made no will giving the care of the General Orphan Home to the Caragh Orphanage. He plainly wished that it should be continued through the Caragh Orphanage, and I gather that intention

from a letter of the Dowager Countess of Annesley. She writes:—

"Unless larger sums were obtained to support it efficiently, would it not be better to place the orphans in another institution, and close it."

As regarded the Caragh Orphanage I may state we have a committee.

2425. Lord Justice FRINGGIBSON.—Does it ever meet?

Rev. S. G. Cotton.—Yes, we have the two Churchwardens and they meet when business requires.

2426. Lord Justice FRINGGIBSON.—When does that happen?

Rev. S. G. Cotton.—We have had two or three meetings since 1883, and we had a meeting the other day.

2427. Lord Justice FRINGGIBSON.—If you had only two or three meetings since 1883 the business does not appear to have been very pressing.

Rev. S. G. Cotton.—Very serious matters occurred in 1883. Whenever urgent matters require it there is a meeting. The Manager of the Orphanage must be always the Rector of the parish. It is possible that the future Rector will not take the same interest in the orphanage I have taken, but I hope he will take the same interest. The orphanage is close to the globe house and the Rector must necessarily be the working man in connection with the orphanage.

2428. Lord Justice FRINGGIBSON.—Is the Orphanage property vested in the Representative Church Body?

Rev. S. G. Cotton.—It is on globe land.

2429. Lord Justice FRINGGIBSON.—Unless your successor undertook your duty in connection with the Orphanage it could not be carried on?

Rev. S. G. Cotton.—My successor would have the power of closing it. No doubt of that. I would wish to lay before the Commissioners extracts of the opinion of visitors to the institution, especially as regards

the printing taught the boys. (Hands in copies of Report of the Caragh Orphanage.)

Mr. Gerson.—I have here the application to my Board from Mr. Cotton himself; and when the matter was before the Master of the Rolls it was not on behalf of any committee, and I think the Rev. Mr. Cotton had to pay the penalty of costs.

Rev. S. G. Cotton.—No; I had not to pay a penny of costs. I am happy to say, which was most satisfactory.

Dr. TRAILL.—You were very lucky.

2430. Lord Justice FRINGGIBSON.—Suppose you were to leave the place to-morrow, there is a debt due to you?

Rev. S. G. Cotton.—Yes; I am out of pocket.

2431. Lord Justice FRINGGIBSON.—The institution is kept on its legs to some extent out of your own money?

Rev. S. G. Cotton.—Yes.

2432. Lord Justice FRINGGIBSON.—Then unless your successor wanted to make himself responsible for the debts of the institution, the institution cannot continue after your incumbency?

Rev. S. G. Cotton.—It may and it may not. It is not likely the subscribers, including Lady Annesley, would allow an institution which has existed for twenty-five years to lapse.

2433. Lord Justice FRINGGIBSON.—They could not carry it on without the permission of the Representative Church Body and the incumbent?

Rev. S. G. Cotton.—I must admit my successor would have power to close it or carry it on.

2434. Lord Justice FRINGGIBSON.—It is in the same position as the General Orphan Home was in the later days of Mr. Scott's life?

Rev. S. G. Cotton.—If a committee had been formed it could have been carried on.

2435. Lord Justice FRINGGIBSON.—There is no committee of the Caragh Orphanage to carry it on?

Rev. S. G. Cotton.—There is myself and the Churchwardens.

Mrs. EAGER examined.

2436. Lord Justice FRINGGIBSON.—You were in the General Orphan Home until the place was closed?—Yes.

2437. Did the boys go to different places of religious worship?—They went to the places mentioned in the report.

2438. Did they all go together?—Generally speaking, they did.

2439. There was no arrangement under which the Presbyterian boys were sent to a Presbyterian church, and Church of Ireland boys to St. Peter's?—No.

2440. Mr. Colthurst.—Was an effort made to get sittings for the pupils in St. Peter's parish church?

Mrs. Eager.—I don't recollect. Mr. Scott used to have the children in the board room on Sunday.

2441. Mr. Colthurst.—Was it because they could not get sittings in St. Peter's church they went to other places?

Mrs. Eager.—It was.

Rev. Canon Jelliffe.—They asked for sittings in

St. Peter's church, and they could not get them at the time. Mrs. Eager.

2442. Dr. TRAILL.—In the report it is stated:—

"On every day of the week there is morning and evening prayer, and instruction is imparted to the children at different periods of the day for a short time from the Bible and scriptural catechisms; they are also instructed in psalmody. On the Sabbath day they are examined in the religious instruction of the past week, and exhorted to the practice of it. On that day they attend twice the public worship of God; at the noon service in the Home at which chapman officials, and at evening service in the chapel of the old Molyneux Asylum."

Is the old Molyneux Asylum in St. Peter's parish?

Mr. Colthurst.—No. It is an independent church.

2443. Dr. TRAILL.—Does it not belong to the Church of Ireland?

Mr. Colthurst.—I don't mean Independent in that sense.

Rev. J. M. HAMMOND.

2444. Lord Justice FRINGGIBSON.—Now, Mr. Hammond, we will hear what you have to say.

Rev. J. M. Hammond.—I merely wish to state to the Commissioners that the Presbyterians of Dublin took great interest in the General Orphan Home, and contributed freely towards the support of the institution. I may also state that one of the guardians belonged to our denomination. I refer to the Rev. Dr. Black, a minister of our Church, and Mr. Dill

previously. There were Presbyterian representatives on the Board that had charge of the school, and the Home was always regarded as an institution in which the Presbyterians had an interest.

2445. Lord Justice FRINGGIBSON.—What became of the Rev. Dr. Black?—He is in Inverness. He met the country in '72.

2446. Lord Justice FRINGGIBSON.—Did Colonel Warburton replace Rev. Dr. Black on the board?—

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Rev. R. Walsh
S.D.

Rev. J. M.
Hammond.

Ans. 17, 1891.

Rev. F. M.
Henderson.

I cannot say. Dr. Black was the minister of Ormond-quay Church and he was a regular attendant on the Board of this institution as long as he lived in Dublin.

2447. Lord Justice FitzGibbon.—Who was P. J. Macfarbanks?

Mrs. Eager.—He was also one of the guardians and lived in Great Charles-street.

2448. Lord Justice FitzGibbon.—What religious denomination did he belong to?

Mrs. Eager.—He used to attend Trinity Church, that is George's old church.

2449. Professor DOUGHERTY.—What do you think, Mr. Hamilton, would be a suitable destination for any portion of this endowment that might be held to belong to the Presbyterian body?—It would be our opinion that the proportion held to belong to the Presbyterian body should be handed over to the Presbyterian Orphan Society, with the right of nomination by the Presbytery of Dublin.

2450. Dr. TRAILL.—How much does the board and maintenance of an orphan cost?—We don't elect an orphan or two; we elect the entire family, and several persons have the right of nominating; that is what we propose to have in connection with our Presbytery.

2451. Have you any figures that would show what the maintenance of an orphan would cost according to your system?—We never calculated that. We never remove the children from the surviving parent. We always leave the children with the family if the surviving parent is suitable to take charge of them. If both parents are dead, we endeavour to find out some near relative.

2452. Have you an orphan home as such?—We have; we have a training home down in Belfast, a large home for the training of girls as domestic servants, Dr. Johnston's.

2453. What does a girl cost there?—I could easily ascertain that. We have also an orphan home in Ballina for small children, and children are taken in there for £8 a year.

2454. Lord Justice FitzGibbon.—Is that in connection with any school, or is it a separate orphan home?—It is connected with a school organization we have in the South and West of Ireland.

2455. Dr. TRAILL.—Is there an orphanage at Ballina?—Yes, with over seventy children in it.

2456. Are they the children of Presbyterian parents exclusively?—Not necessarily; all orphan children who present themselves, and whose guardians extend them to us, are eligible.

2457. Orphan children of mixed marriages?—Some of them, I suppose. We don't inquire into these matters. We take any orphan children.

2458. Your orphanages in Belfast and Ballina are the only institutions similar to the General Orphan Home?—We have other Presbyterian Orphanages; these are the ones for destitute orphans, for any destitute children that may come.

2459. What is the Ormond Quay Orphanage?—The Ormond Quay Orphanage is founded for a class of children not generally elected by orphan societies. We sometimes have children in Dublin we cannot succeed in getting elected into an orphan society, and if we had in Dublin an opportunity of nominating a child into that orphanage it would be an advantage, and if you gave us any portion of this endowment, it would secure to us that advantage on the board of our orphan society.

2460. Supposing the Dublin Presbytery had the nomination of orphan children, for how much could you put two of them out?—I will endeavour to find that out.

2461. As regards the division of this endowment there is only a definite figure of £55 to go on?—I will make inquiry as to what the cost would be.

2462. Lord Justice FitzGibbon.—(To Mr. Cotton.)—Was the Caragh Orphanage in existence before you went there?

Rev. S. G. Cotton.—As regards the founding of the orphanage, I may state that a Sunday school scholar of mine in a former parish married a Roman Catholic. There were six children, and on his death they came to church; two of the children were carried off by relatives; the magistrates or police at first would not interfere; but by the kindness of the late Judge Lawson, then Attorney-General, a prosecution was directed. Six persons were arrested and stood their trial at Nass; they pleaded guilty, and at the mother's request they were discharged and the children were recovered. A place was got for the children and we removed them to Caragh.

2463. Lord Justice FitzGibbon.—Then you founded the orphanage?

Rev. S. G. Cotton.—Yes; in 1835.

2464. Lord Justice FitzGibbon.—Have you been in the Caragh parish from that time to the present?

Rev. S. G. Cotton.—Yes.

2465. Lord Justice FitzGibbon.—You have heard what the fund is. It is not a very large one. Does anyone else appear?

Dr. TRAILL.—Does anyone appear for the Methodists or Independents?

No one else appeared.

The inquiry terminated.

PUBLIC SITTING—SATURDAY, FEBRUARY 7, 1891.

At the Office, 23, Nassau Street, Dublin.

FEB. 7, 1891
Dublin.

Present:—Right Hon. Lord Justice FITZGERDON, and Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Rev. GERALD MOLLOY, D.D., D.S.C., ANTHONY TRAILL, J.L.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

*THE CHARLTON REQUEST FOR MARRIAGE PORTIONS.

(Adjourned Inquiry.)

† WILLIAM G. BROCKE, M.A., Chief Clerk to the Lord Chancellor, sworn and examined.

2463. Lord Justice FITZGERDON.—Mr. Brocke, you have had something to do with the administration of the Charlton Bequest?—Yes, every year.

2467. How does it come before you?—This matter was originally in Master Murphy's office, and when the Masters in Chancery were discharged or released from duties in 1878 it was, of course, necessary to make some provision for carrying on the then pending suits; and it appears that before my appointment, in the time of my predecessor, Mr. Armstrong, in 1875, a summons was taken out before the Chancellor for the transfer of this matter to the Chancellor's Chambers.

2468. Mr. Justice O'BRIEN.—Used the Master to make the rulings himself in every case?—Yes, it was before Master Murphy, and the practice at that time, as I gather from the record I have here, was that a schedule of claims was lodged in the Master's office, and subsequently to that Mr. Johnston, the solicitor for the Receiver, who was then a Mr. Auchmuty, went into the schedule of claims in the office with Mr. Nesbitt, the general solicitor for minors, and they threshed the thing out in the office of Mr. Johnston; and subsequently the matter was brought before the Master to rule upon the various claims.

2469. Used the claimants to be married at the time or was it before marriage that they got the money?—They were married first and got the money afterwards.

2470. Lord Justice FITZGERDON.—Then the matter was transferred to the Lord Chancellor's Chambers?—I don't know why that was done, because it was not a case that was properly transferable under the rules to the Chancellor at all. The Chancellor only got "minor matters" and "fifteenth section petitions," and this was not one or the other of these. It was a general cause or action which was properly in the Rolls. The Lord Chancellor made an order on the 12th of April, 1875, by which he transferred the matter from Master Murphy's office to his own chamber. The Chancellor then, I think, was Dr. Ball. I was not then Chief Clerk. I was appointed subsequently.

2471. Since you came into office you have yearly dealt with the case?—I have yearly had the case before me on the claims. My position has been somewhat the same as that of Master Murphy—that is, the schedule of claims is brought before me after having been threshed out in Mr. Johnston's office by him and Mr. Nesbitt, and I then pronounce rulings on the various claims. Anything of a doubtful character, or any case that the parties themselves wish to be carried further, I place in the Chancellor's list for hearing.

2472. Mr. Justice O'BRIEN.—I suppose the Chancellor knows nothing about it?—He knows a great deal about it.

2473. Did he ever entertain any of the claims at all?—Yes, certainly; sometimes points were started involving questions of construction, which of course it was not my business to decide.

2474. Lord Justice FITZGERDON.—Will you tell us what notice was given to the people interested, as far as you know?—That is a matter I should like to

speak about. The scheme of 1877 directs that the Receiver shall in the month of December publish advertisements in the local papers and the Dublin papers calling upon persons to send in their claims, which were to be returned to him on or before the 31st of December in each year. That having been done the Receiver makes up his schedule of claims, and he transmits it to his solicitor, who in due course brings it on in chamber. As a matter of fact the schedule generally comes before me in the month of March in each year; and the claims ought to be ruled upon in the course of a few weeks; but sometimes, owing to the number of queries appearing in the list, they have not been ruled upon until June or so, perhaps. When all are ruled upon a list is made out of those who are entitled to receive portions; and that list is signed by the Lord Chancellor and transmitted to the Receiver, who under the order is empowered to distribute the fund amongst the successful claimants.

2475. Complaints came before us in a good many instances from people who had sent in claims to the Receiver that they had been refused. In some cases we could see quite well why they were refused. In other cases—one or two—we could not find out exactly why they were not accepted; and their great complaint was, that they never heard the fate of their claims until, inferentially, they discovered it by finding that they were left out of the advertisement of the successful claimants. Have you anything to say on that,—as to whether you think it could occur, in the first place, and in the second place, if it did, whether we could in any way deal with it?—As regards the first query, it certainly can occur and must occur—that is, that they do not get any intimation of the success or failure of their application until the list is published.

2476. Rev. Dr. MOLLOY.—And then they get it only in a negative way?—From seeing that they are not there. I went through the rulings yesterday on all the claims that came before me since 1878, and I will just mention now the reasons why applicants have been refused. There were various reasons which were all under some of these heads. Early in my dealings with this matter, that is, in the years 1880, 1881, and 1882, there were a number of refusals in the Protestant part of the schedule because no churchwardens were present. That is a disability attaching to Protestants only, because if the applicants are Catholics no churchwardens need be present.

2477. Professor DOUGHERTY.—At the marriage?—At the marriage. In a very early list that came before Dr. Ball he ruled that only one churchwarden need be present. Protestants had been refused because the two churchwardens were not there; and it was a matter of immense difficulty to get the two to go to the church.

2478. Mr. Justice O'BRIEN.—You say Protestants had been refused?—Refused portions because the two churchwardens were not present at their marriage. But not since that ruling was made.

2479. Lord Justice FITZGERDON.—Now one must be present?—One must be present.

* See Report 1880-86, pp. 35, 43, 44 for previous inquiries. † See Appendix B, No. VIII. infra p. 210.
For Objections and Amendments to Draft Scheme, See Appendix U, p. 275.

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Dr. TRAILL.—That was a curious disability for Protestants!—It doesn't affect the Catholics at all, because according to Dr. Ball's scheme of 1887 there was no obligation on Catholics to have a churchwarden present.

2480. Dr. TRAILL.—He set aside the original will on that point!—Yes. Another serious disability is over age. A great number were refused because they had made false declarations as to their age, and there are most enormous difficulties as to getting the ages of persons who run to over thirty or forty years of age. Both the men and the women must be under a certain age. The woman's age is forty. The General Registration of Births, Deaths, and Marriages Act was not passed until 1896, which is only twenty-four years ago; and therefore we could not get from Dr. Grimshaw's office the proper legal evidence of age, which every year becomes more possible to get. We have been obliged to rely on baptismal certificates. And when I called for baptismal certificates on the parish authorities of the Catholics I found it absolutely impossible in many instances to get them. We have been told that they are lost; we have been told that they are not kept. Many of them don't go beyond 1863. I commenced the work in 1878, and from 1863 to 1878 is fifteen years. They were lost or mislaid and could not be got; and consequently there was great difficulty in finding out what the ages really were.

2481. And if there was any intention to give a false age you would have all sorts of excuses?—All sorts of excuses; and therefore whenever there was a declaration that the age of the party was between twenty-eight and thirty I always stopped the case and said—"I won't take that; it is too close to the margin."

2482. Mr. Justice O'BRYEN.—That difficulty will be a diminishing one every day?—Certainly; and I said that if I could not get the baptismal certificate I should have a sworn declaration from somebody who knew the family of the applicant all his life or some other secondary evidence of age. Sometimes I got no answer at all to the inquiry for additional evidence of age. The claimants were written to, and in many instances I had the parish priest written to, to know if he could produce any additional evidence. And in a number of cases, when we did get the evidence, we found that men up to forty-six years old were, with the greatest sang-froid, applying for this grant. There was a great deal of fraud in that way.

2483. Dr. TRAILL.—Did these cases occur principally amongst Protestants or Roman Catholics?—Well, I could not say. Amongst the Catholics there was the greater number, because they are in an enormous numerical majority.

2484. Mr. Justice O'BRYEN.—There was more dishonesty amongst the Catholics because there were more of them?—Because they were more in number.

2485. Lord Justice FRYGUESON.—The Protestant registers were kept in the Protestant churches with much greater regularity. In fact, I believe it is only a discommodation amongst the Catholics!

Witness.—In every case in which I had reason to believe that the claim was a fair one every effort was used to get evidence to enable me to put the party on the schedule. Young Mr. Maxwell, who works this case, has been labouring most conscientiously, and I am able to speak in the highest terms of the way in which he has managed this business, and of the pains and trouble he has taken. Another objection is, that a number of the claims are late; because, according to the scheme, the marriage must have taken place within one year of the date of furnishing the claim. The scheme, so drawn up by the Commissioners of Charitable Donations, and as approved of by the Attorney-General in 1877, left that provision out. When it came before me I put it in, and it is a very salutary provision for the purpose of preventing antiquated claims from coming in. But taking the year 1890, and the claims as furnished down to the end of that year, the marriages must have taken place in that

year; otherwise you might have claims put forward over and over again. A great number of them were late—that is, men who were married in 1888 or 1889 sent in claims in 1890.

2486. Mr. Justice O'BRYEN.—I suppose they will come to know of the rule better in the different localities after some time?—Yes. I don't think myself that the terms of this scheme are sufficiently advertised.

2487. Lord Justice FRYGUESON.—In one or two cases which came before us they said that they had not known of their rights, or they would have sent in claims.

Witness.—There is often no sufficient evidence of age brought in—I have already mentioned that that is where they are near the margin. Another very serious disability arises from the fact that whilst men are let in from the adjacent counties the girls are not. It very often happens that a man belonging to Meath or Longford marries a girl from Leitrim, or Cavan, or Louth, or some adjacent place, and, of course, that is fatal, because the girls from the adjacent counties do not come in pari passu with the men.

2488. Professor DOUGHERTY.—What is the origin of that singular distinction?—It is in the will.

Mr. Justice O'BRYEN.—They thought that the men would go after the women, as the boys go to where the honey is, but the emigration has been the other way.

2489. Lord Justice FRYGUESON read the words of the will on the point.

Dr. TRAILL.—It would be a more rational construction to send the money to the "adjacent counties," for the girls as well as the boys, before giving it to people that it was never intended for.

2490. Lord Justice FRYGUESON.—Next, with regard to forged marriage certificates?—There was a bunch of them in 1881—forty-three.

2491. Was that the year in which there were some prosecutions?—I am not sure. It was shortly after the enquiry was opened—when it became well known through the country. Then there were cases in which the magistrates' names were forged. We found cases in which magistrates' names were put in at the ends of the declarations, and these magistrates had no existence—their names could not be found in any list.

2492. Professor DOUGHERTY.—Were they posing as magistrates in their respective districts?—I don't know who the gentlemen were.

2493. Mr. Justice O'BRYEN.—It was forgery?—Yes. Another objection was that no certificate of character was given. A certificate from either the priest or two householders is necessary.

2494. Lord Justice FRYGUESON.—We got some important evidence on that point from, I think, two, if not more, of the parish priests, who told us that they had been applied to for certificates and that they had refused them, sometimes on the ground of character, usually on the ground of knowing the claims to be false,—that is, knowing that the claimants were outside the age,—but that the parties had walked off to the nearest two inhabitants and got the certificates and sent them in. I suppose you have no means of knowing whether the certificates have been refused by the parish priests or clergy?—No—none whatever.

2495. When a certificate of character is wanting do you write to let the man know?—I cannot say. I fancy it has been done. I know that no effort has been spared to get up the necessary evidence. Here is a remarkable list of the classes of persons who have been held not to be within the designation of "day labourers":—Farmers, tailors, masons, fruit sellers, carpenters, millers, servants, sailors, blacksmiths, shoemakers, painters, jobbers, coopers, stewards, publicans, coach-drivers, dealers, weavers, agents, game-keepers, horse trainers, sergeants in the army, sergeants in the Royal Irish Constabulary, millers, police-men, pensioners, sweeps, railway porters, coalmen, turners, ordnance, harness makers, costermongers, and musicians.

2496. Rev. Dr. MOLLAY.—The children of these were rejected as not being the children of day labourers!—The person applying need not be a day labourer.

2497. Take a working sailor—I don't mean the master of an establishment—would he not be a day labourer?—That is not for me to say.

2498. They were rejected!—His child was.

2499. Lord Justice FRANKLIN.—That was a matter we took a great deal of evidence about. We understood that in some cases you had some railway servants. That was one of the cases of men working on a railway at daily wages whose claims were admitted!—I was anxious to admit every person working for daily wages, but I was overruled in that by various Chancellors I have been serving under. Early in the case I admitted the son of a steward, the son of a lord, and the son of a gardener, because the distinction appeared to my mind that these persons were connected with land; I thought that the "son of a day labourer" meant the son of an agricultural labourer, and that the meaning might be stretched to the son of a person directly connected with the working of the soil. That ruling of mine went before Lord Chancellor Hall and he confirmed it, and admitted these three claimants. Subsequently the Lord Justice disallowed the claim of the son of a steward.

Lord Justice FRANKLIN.—Because he was not paid by daily wages.

2500. Professor DOUGHERTY [to Witness].—Do you rule out all the artisans!—The sons of artisans, yes. All the Chancellors that I have been under, except one, have confined the grant to the sons of agricultural labourers.

2501. Rev. Dr. MOLLAY.—Have the decisions been uniformly consistent—has it been found possible to get a principle which always excluded exactly the same class of persons, and admitted exactly the same class of persons?—Well, the decisions have been in Chamber uniformly consistent. No one has received a portion except the children of agricultural labourers, with the exception of the cases that I have just mentioned.

2502. We have had some curious evidence about herds. In the county of Meath a herd holds a high position, and is not a day labourer. In Longford his position socially and financially is altogether different, and he would be regarded as a day labourer.

Mr. Justice O'BRIEN.—He sometimes is a man in charge of vast quantities of land.

2503. Lord Justice FRANKLIN.—Now let us take the two points separately. As a matter of administration is the fund confined to persons whose labour, such as it is, is labour connected with land?—No. The recipient might be a Member of Parliament. We had an application from a Poor Law Guardian who is the son of a daily labourer.

2504. What I am speaking of is the decision as to the profession of the father. Has it been confined to the children—sons or daughters—of persons whose labour is connected with land?—Yes.

2505. Well, in the second place, it being so confined, I presume that weekly wages would not prevent a person from getting this grant?—No, I should say not.

2506. Mr. Justice O'BRIEN.—The wages of a labourer are usually measured by so much a week?—We have not gone into that. The declaration states that they are the children of day labourers. But the marriage certificate very often throws a light upon that because it gives the quality or profession of the parents; and we often find that the marriage certificate is inconsistent with the declaration which they make, and consequently in such cases we have gone by the marriage certificate because it is made in cold blood.

2507. Rev. Dr. MOLLAY.—Has it been confined to persons labouring on land, as distinguished from persons labouring in any other way?—Yes, when

the matter was brought into the Chancellor's Chamber the current of decisions had been entirely that way.

Mr. Justice O'BRIEN.—I don't see why a hodman would not be a day labourer, except that a great deal of the labour of towns is done by people of other occupations who take to it casually. Soldiers, pensioners, and many other people of that class, do the day labour in towns. There is not the same difficulty in ascertaining whether a man is a uniform day labourer as there is in country places.

2508. Lord Justice FRANKLIN (to Witness).—You do not say that a person in receipt of weekly wages is not a day labourer?—No. I think the distinction turns on whether they are occupied with land or not.

Lord Justice FRANKLIN.—They pressed on us very much in places where we were, that the restriction to persons labouring on land was unsound.

Rev. Dr. MOLLAY.—As a matter of the English language, a journeyman taylor or a journeyman shoemaker really means a day labourer who works as a taylor or a shoemaker.

Mr. Justice O'BRIEN.—He is known as a tradesman everywhere, and he is not known as a labourer at all. That is the popular language; and the general rule of wages of the labourer being below that of the tradesman or artisan is the cause of the distinction.

2509. Lord Justice FRANKLIN.—Another very important matter which arose before us was as to the utility of these portions. First, as regards the Protestants who got a fixed sum. Have you any evidence before you, or any views of your own?—I have a little list here of the numbers who have been successful since I came in. [Hands in document.]

2510. I see that in 1880 there was the extraordinary number of 165?—Yes, that was when the Catholics came in and swept the place. I find that in Navan alone twenty-one couples were married—forty-two persons. There was a most extraordinary difference of age—boys marrying old women.

2511. Professor DOUGHERTY.—Have you any evidence on that subject; we heard in Navan an extraordinary story as to some of the marriages which took place under the encouragement you held out?—Cases came before me of boys of twenty and sixteen years of age marrying women of thirty, and going to forty. It looked as if the place had been pretty well swept.

2512. Do you take evidence of character with respect to the women as well as the men?—No.

Professor DOUGHERTY.—Because it was hinted to me that some of the people who got married under this bequest were not entitled to very high characters, and that that applied to women as well as men.

Lord Justice FRANKLIN.—Some of them separated immediately after they were married; they never lived together at all. They divided the money; there was some suggestion about people from the workhouse, but it turned out to be incorrect.

2513. Professor DOUGHERTY.—It was said that some of the people in Navan came out of a district that did not bear a very high character.

Witness.—The certificate of character only covers the man. You will see by that list that last year—1890—the numbers fell down to thirty-six on the Catholic side.

2514. Lord Justice FRANKLIN.—The numbers have fallen for over the last four years. What was the date at which the charity was first opened to Roman Catholic claimants?—In 1877.

2515. Because the census *maritalis* was three years after that?—I think they came in first in 1879. Then it got wind.

2516. Dr. TRAILL.—I would like to ask you something about the costs of passing these things before you. Mr. Johnston, solicitor, got as the costs of passing his account, 29 12s. 11d. in 1888; and he also got 28 12s. 11d. for passing an account in 1887;

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and he got £45 14s. for miscellaneous costs, and £1 10s. for the costs of an investment!—Then they must have been vouched. There is an account every year.

2517. We have on one occasion solicitors representing a member of Parliament, the High Sheriff, the Charitable Bequests Commissioners, and the Endowment, and all these gentlemen get their costs!—I am glad you have asked that question, because otherwise I should have been obliged to refer to it myself.

2518. Dr. TRAILL.—And I am most anxious to get it cleared up.

Witness.—I will clear it up for you. I take first the miscellaneous costs of the solicitor for the Receiver. The first of these bills came in before me on the 15th of November, 1877, and here is the note which I made myself. This was a bill presented to me for £181 for miscellaneous costs, and I inspected it and made this note on the spot:—

"It appearing, on inspection of the said bill of costs, that charges are made *quodammodo* for personal attendance of the receiver's solicitor in the country on the occasion of the payment of claimants, and also charges for correspondence of said receiver's solicitor with claimants; and it further appearing that the said practice has hitherto been acquiesced in during a long period of years, but is now objected to on the part of the Commissioners of Charities.—In my opinion such charges cannot for the future be allowed; and I am of opinion that for the salary of £100 a year received by the receiver in this case under the will of the testator it is his duty to attend personally at the various towns to pay the claimants, and also personally to conduct correspondence with regard to the various claims, and to answer inquiries from claimants; but without prejudice to his right to consult his solicitor in reference to any matter as to which legal advice may be required."

That was made in 1877, the first time a bill of this kind was brought before me. I brought it under the notice of Dr. Ball, and Dr. Ball made this minute in his own handwriting on which an order of the Court was founded; and you will see, when I read this to you, that the subsequent bills for miscellaneous costs were bills that were incurred under the authority of his lordship, and that on their being taxed I had nothing more to do with the matter!—

"The Attorney-General v. Charlton."

"I do not think there can be allowed £100 a year to an agent and such a large bill of costs as has been furnished by Mr. Johnston for assisting the agent and receiver in making out the particulars as to the claimants. The Act of Parliament fixes the salary of the agent at not more than £100 a year. If an allowance be made for the aid of a professional person in making out the claims I think the salary should somewhat abate. It above the actual payments. On the present occasion I think Mr. Johnston should be paid a fair sum, not costs. I think £200 enough; and let Mr. Weldon in October issue a summons to take my direction as to salary of receiver and allowance for professional assistance for him in respect of claims."

So that I hope the Board will see that this thing was not passed by in the office, without its being at once looked into and set right. Subsequently to that minute of the Lord Chancellor, an application was made to fix a salary and to fix professional services; and here is the order which was made by Dr. Ball, and it is under this order that these miscellaneous bills are now made up. The date is the 10th of November, 1879:—

"Upon the application of the receiver, and upon hearing the solicitor for the applicant, for the receiver, Mr. John O'Hagan for the trustees also attending, and on reading minutes of the 27th October, 1879, order of 28th August, 1879, receiver's bill of costs, and it appearing that by said order the solicitor for the receiver was allowed the sum of £50 in fees of costs as remuneration for assisting the said receiver in investigating the several claims furnished by the receiver, it is ordered that in addition to such sum of £50 the solicitor for the receiver be allowed such further sums as are stated in the said bill of costs as may be agreed on by the solicitors concerned for the parties aforesaid, to be paid by the said receiver, who is to have credit therefor; and let the taxing master each year have discretion to allow the

solicitor for said receiver such sum in his costs as would be a fair compensation to him for examination of claims, and for correspondence in reference thereto, and generally for assisting the receiver in reference to such claims when necessary. The costs of this application and order to be costs in the matter for said parties respectively when taxed."

That order went a good deal beyond my minute.

2519. Mr. Justice O'HANES.—If you had been Chancellor it would have been better.

Witness.—I would not have allowed so much.

2520. Lord Justice FRY.—Since that there has been an allowance for correspondence and for the investigation of claims to the solicitor as well as to the Receiver?—Yes. I don't think there has been any allowance to the Receiver.

2521. Dr. TRAILL.—Take 1885. On November the 6th, I find for miscellaneous costs £50 12s. 7d.; a little below that the same gentleman—I suppose Mr. William Johnston—gets for the costs of passing an account, £10 6s. 9d.; then the same man gets for costs of lodging, £1 10s.; then the solicitor for the Charitable Bequests Commissioners gets £21 8s. 11d.; then, a bit further down, the solicitor for the Trustees comes in, and he gets costs, £7 6s. 8d. Surely this is a monstrous squandering of money.

Witness.—With all respect I don't at all agree with you.

2522. Why was it necessary to have three different sets of solicitors?—Well, I will tell you. First, I don't suppose you wish to dispense with the solicitor for the Receiver.

2523. Dr. TRAILL.—I want the Chancery order changed. We can issue a scheme and upset that order.

Witness.—You are asking me to explain my administration, and I am bound by the Lord Chancellor's order; I am explaining what is past. With regard to the trustees' attendance, when I came in I found Mr. Nesbitt there, and the trustees were not represented. Mr. Nesbitt by some curious finks was some way in the case. I don't know who got him in.

2524. Rev. Dr. MOLLOY.—What was he?—The General Solicitor for the Minors—a gentleman who is called on in minor matters, when nobody else appears, to look after things. Finding him there I removed him, saying, "I don't understand your being here." In the year 1878, I think, I removed him. I said—"I would like to have the trustees here in your place, because they are the persons entrusted by the will." Mr. O'Hagan is solicitor for the trustees, and I substituted him for Mr. Nesbitt.

2525. Dr. TRAILL.—Who was he acting for then?—I don't know who he was for.

2526. Lord Justice FRY.—With regard to the solicitorship for the trustees, it occurred to me that that might be for the future dispensed with for this reason, that the trustees are the members of Parliament, as well as I remember, for each of these counties, although there is not the slightest trace of any one of them, except one, having done anything for the Charity, or interfered in any way. One man did—Mr. Alexander Martin Sullivan—he brought the thing before Parliament at the time when the Catholic claims were first let in. But except that, so far as I can make out, the trustees have never done anything. In this case you have had a public charity represented by the Commissioners of Charitable Donations and Bequests, and it occurred to me that, as the work was really all done by Mr. Maxwell, Mr. Maxwell and the Receiver between them should represent the Charity.

Witness.—I may read to you a note which was made in chamber on the 21st of July last:—

"Mr. O'Hagan desiring to retire from further attendance in this matter, I approve. He is for original trustees. In my opinion the Court now fills the office."

2527. Dr. TRAILL.—Are they not to appear any more?—No; I don't believe myself that they were so unnecessary at all, for this reason, that when Mr. Scott

in Mr. O'Hagan's office was alive, before the schedule of claims to be ruled on was brought in, all the claims and papers supporting them were gone through in Mr. Johnston's office by Mr. Johnston and Mr. Scott, as a preliminary threshing out of the thing, so as to bring the points out before the office. Mr. O'Hagan's firm performed that very useful preliminary function. Now as regards the costs of the trustees—Dr. Traill read out £7 for the costs of the trustees, but I am sure that that sum covers three years' costs; it covers more than a year's costs, because I have a note in my book that the trustees' costs were measured in chamber in 1884 at £9 6s. 8d. That sum was allowed for the whole year for attendance on the vouching of claims, and for attendance on the vouching of the account passed in 1885 we allowed £2 13s. 4d., and for attendance on vouching the account passed in 1886 we allowed £2 6s. 8d., and I consider that it was money very well earned. These were all allowed at one meeting.

2528. What is the date of the order in 1886?—The 7th of August.

2529. The entry here is—"Paid solicitor's costs pursuant to order of 7th August, 1886,"—and the account at the top says—"Account for same since 16th October, 1885, £7 6s. 8d." That seems to cover one year!—It was paid in one year.

2530. Lord Justice FRANKLIN.—Was it not the function of the trustees' solicitor to go through a preliminary threshing out of matters with the solicitor for the Receiver, Mr. Johnston, and to deal in vouching local claims, and looking into them, a matter of local knowledge?—And with the solicitor for the Board of Charities.

2531. Mr. Johnston I think you said?—Mr. Johnston was the solicitor for the Receiver.

2532. As I understood from you, the first preliminary threshing out was done by Mr. Johnston and the trustees' solicitor?

Dr. TRAILL.—No; I understood him to say Mr. Johnston and Mr. Nesbitt.

Witness.—Mr. Nesbitt went out in 1876.

2533. Lord Justice FRANKLIN.—Here is the bill of costs for October, 1887. Is that the trustees' costs in it?—

"9th November.—Paid William Johnston, solicitor, for miscellaneous costs, £44 9s. 1d."

Then there is some printing, which is inevitable; and then there is—

"May 14th.—Paid William Johnston, solicitor, costs of paying last account pursuant to certificate, £9 12s. 11d."

Then the next is—

"Paid ditto, costs of lodging balance of account, £1 10s."

That is the normal fee. Then there is—

"Paid Solicitors of Charitable Commissioners costs, £15 3s."

2534. Dr. TRAILL.—In the year before it was £21 8s. 11d. Why does the solicitor for the Charitable Commissioners get costs?—He does an enormous amount of work; he carries on all the correspondence.

2535. Why should two sets of solicitors thresh out the same details—why should not one set be sufficient—why should not the details be done by the agent himself?—I should think that the Receiver and Mr. Maxwell should be enough.

2536. Lord Justice FRANKLIN.—Is it your view that the solicitor for the Receiver is not the person who ought to do the work, but the Receiver himself?—Yes.

2537. And therefore according to your plan, apparently the man to be watched in the matter, and to do the work, and to be surprised, would be the Receiver in person?—Yes.

2538. And supervision should be done by the solicitor for the Commissioners of Charitable Donations and Bequests?—Yes.

2539. That apparently would reduce the costs which would have to be paid out of the fund to the

costs of one solicitor officially representing the estate, namely, the solicitor for the Commissioners of Charitable Bequests, and those of the Receiver; and the Receiver's costs of paying his accounts and lodging his balances would be allowed?—Yes.

2540. Dr. TRAILL.—I don't understand why the solicitor for the Charitable Bequests Commissioners should be there at all. Suppose this was a small endowment dealing with an income of £21 a year!—You must ask that question of Mr. Gannon.

2541. I think it all-important, if the Commissioners have power, that these costs should be stopped at once.

Witness.—The Commissioners are parties to the suit.

2542. Dr. TRAILL.—This is not a suit going on every year?—It is.

2543. Dr. TRAILL.—Then it ought to be stopped. It should be managed by the Board without any suit.

Witness.—That is a matter of opinion. I am strongly of opinion that it should be kept in court. I don't think you would get the Board to do the work as well as it is now done in the Lord Chancellor's Chambers, and under his supervision.

2544. Dr. TRAILL.—The Chancellor costs nothing, and I am not objecting to that; but I am objecting to so many different persons getting costs out of this endowment.

Witness.—I think you must have the solicitor for the Receiver, and I think you ought to have the solicitor for the Commissioners of Charities. The solicitor for the trustees has dropped out. As long as he was there he cost but £2 10s. a year.

2545. Mr. Justice O'BRYEN.—What ought the solicitor for the Receiver really to cost? If the inquiry into the claims is done between the Receiver himself and Mr. Maxwell, the solicitor for the Receiver would have very little to do!—Well, under that order which I read to you, made by Dr. Bail in 1879, a very wide door is opened for solicitors' miscellaneous costs; and until that order is set aside or revised, you will have a bill for miscellaneous costs from the solicitor for the Receiver under its authority.

2546. Lord Justice FRANKLIN.—The costs of passing the Receiver's account and of lodging the balance apparently would amount to a minimum of about £10 a year!—Yes, and these costs are measured in Chamber; and I can state that they are as low as they can be. I have not alluded to that yet. It is part of Dr. Traill's question. You cannot get that account passed in Chamber and the balance lodged for less than £10. The account contains a statement of all the claims that have been paid, and these must be all vouched. The solicitor gets a shilling a folio for preparing the account—every folio of 72 words the solicitor charges a shilling for. Under a regulation of the High Court of Justice a figure counts as a word, and that runs up the number of folios very much.

2547. Lord Justice FRANKLIN.—To come to another matter—the distribution of the funds amongst the Roman Catholic claimants was observed upon very much before us on account of its extraordinary uncertainty. I suppose that scarcely comes before you?—No, not at all. I don't know how much the money will be.

2548. Rev. Dr. MOLLOY.—I think the practice is, that whatever balance remains over is divided equally between all the claimants whose claims are admitted?—Yes.

2549. And consequently the sum each party gets is quite uncertain, and depends partly on the amount of the surplus and partly on the number of persons whose claims have been established for that year?—Yes.

2550. Lord Justice FRANKLIN.—Perhaps you can tell us what the Roman Catholic portions were last year!—The fund for distribution is about £1500 a year; the Protestants get £235 each.

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Brooke, Esq.

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 William G.
 Brown, Esq.

2551. Dr. TRAILL.—What is the total value of the fund?—The fund in court is £8,650. I believe the net rents are about 2000.

2552. Mr. Justice G'BRIER.—Some statement was made about the Receiver having received a fee which we did not consider to be justifiable?

Lord Justice FRYGIBBON.—It was cleared up afterwards. It related to the stamps on the declaration. A lot of people said that they paid a half-a-crown and that they got no value. I think it is sanctioned by the order.

Witness.—It is.

2553. Rev. Dr. MOLLOY.—In what way is the list of successful candidates published?—It is published in the newspapers—in the *Longford Independent*.

2554. Is it posted in the towns of Navan or Longford?—I think it is published in the newspapers only.

2555. Considering that the claimants are the sons and daughters of day labourers, don't you think that some better means of communicating with them could be found than advertising in the newspapers?—I suppose by letter to them; do you mean to the successful ones?

2556. It would seem desirable, if possible, to communicate both to the successful and the unsuccessful; and that could be done, I think, by some other means more cheaply and more effectively than by advertising in the newspapers.

Dr. TRAILL.—The question is, if they cannot read.

Witness.—The Receiver attends at two towns, Longford and Navan, and gives notice that he will be there. Any claimant may write to Mr. Maxwell to know the rank of his application. If he writes I am sure Mr. Maxwell will give him a very courteous answer.

2557. Lord Justice FRYGIBBON.—They didn't know Mr. Maxwell in the transaction. The only person they could get at was the Receiver; and on several occasions he sent the papers on to Mr. Maxwell who inquired into them and ruled them before you; and the link wanting was that no communication was sent to the person of the result.

Witness.—That can be done by Mr. Maxwell, of course.

2558. Dr. TRAILL.—It would be better that it should be done by the Receiver, for Mr. Maxwell would charge 8s. 6d. for writing each letter, and such letters sent to 165 candidates would come to good deal.

Witness.—It would certainly raise the bill of costs.

2559. Lord Justice FRYGIBBON (to Witness).—Is there anything else about the administration of the fund that you can give us any help about?—If I may state my own view I should be glad to do so. My view is, that this fund has not been sufficiently advertised. I feel some diffidence in mentioning that after what has occurred about the accounts of the newspapers. It turns out, and I did not know that until I went through the papers, that there were no advertisements in any adjoining county at all, except Dublin. Now the Board are aware that the fund is given at present to the girls of Meath and Longford only; but under the old scheme of 1836 and 1855, that is, our Protestant scheme, men from the adjoining counties might interfere with girls of Meath and Longford. No advertisements were put into the papers of the adjoining counties, which are nine in number, informing the men of their privilege.

2560. Mr. Justice G'BRIER.—That would involve a large additional expense. It was thought that a Dublin paper might answer the object.

Witness.—Do the Dublin papers penetrate Cavan, Leitrim, Roscommon, Monaghan, Louth, Kildare, and Westmeath?

2561. Lord Justice FRYGIBBON.—I may mention an instance to show you what is done. One of the schemes which we settled was for the Hibernian Marine Society, a society for the relief of sailors. For a long time there was a shabby list of candidates, and we framed a new government for the

place. Of their own motion the Governors had bills posted up on the notice board at Howth, every year and half year, giving notice of the election of boys; and I have seen these bills, and a considerable number of persons reading them. Something of that kind spreads amongst that class of people very much more than newspapers; and these local papers, the usual price of which is threepence, generally appear only once or twice a week.

Witness.—This is connected with something which I was going to state. I don't see why under this will the girls of all the adjacent counties should not be brought in.

2562. Mr. Justice G'BRIER.—Except for the order of the Lord Chancellor. The scheme ascertains that to be the construction of it. It appears to me to be an unintelligible construction.

Witness.—Lord Justice FRYGIBBON indicated some doubt as to whether under the will the girls from the adjacent counties might not be fairly brought in.

2563. Lord Justice FRYGIBBON.—Has not that been ruled?—The women of the adjacent counties are not allowed in. The surplus at the Catholic side is confined to the men of Meath and Longford. But as regards the others there is a strange inequality which I protest against, namely, that the men of the adjacent counties are allowed to come in and marry the girls of Meath and Longford, whilst the girls of the adjacent counties are not allowed to come in.

2564. Rev. Dr. MOLLOY.—If you take in the girls of the adjacent counties you would have no surplus.

Witness.—I think not; and that gives rise to another serious question, namely, as to whether this fund should not be limited to those who, as appears by the will, were intended to be the objects of the testator's bounty. Of course I am not in a position to express an opinion about it, but I have my own opinion.

2565. Mr. Justice G'BRIER.—What is your own opinion?—My own opinion is, that this Charity was intended by the testator for the children of Protestant daily labourers; and I think that is perfectly plain from the direction contained in the will that the marriage is to be celebrated in the presence of the minister and of the two churchwardens. I think that any other construction of the will must be a violent one.

2566. Lord Justice FRYGIBBON.—Well, as far as I could gather from the report we had of the proceedings that were taken at the time this was opened, the ground on which it was opened was not anything inconsistent with what you say, but that there were not sufficient objects, and that the portion of the fund remaining was therefore unused.

Witness.—That, of course was the reason; but when the fund was opened in 1877 there was an alternative course open to the court, namely, to have admitted girls from the adjacent counties.

2567. Dr. TRAILL.—To look for more Protestants?—Yes.

2568. Lord Justice FRYGIBBON.—But then comes in a difficulty. *Partis non est retrosum*. It is very hard, when the Charity has been opened for a Commission like this to deprive persons of rights that they possessed at the time of the passing of our Act; and, assuming that the Lord Chancellor decided, as I am satisfied he did, that the immediate objects of the testator's bounty were Protestants who were married before the clergyman and the churchwardens, if they did not exist he then ruled, substantially, according to the *ex pres* doctrine, that the Roman Catholics of those counties should be brought in, in preference to the Protestants of the adjoining counties. And this being so, a difficulty then arises as to your turning them out again.

Witness.—It would certainly appear from the scheme of 1877 that Lord Chancellor Hall entertained a very strong view as to the paramount claims of the Protestants.

Lord Justice FRIZGIBSON.—The ground of the decision was that the surplus money was not wanting for the purpose of the testator's will. You know perfectly well that the principles on which a surplus fund of this kind would be administered are quite different from those on which it would be administered to persons all of whom were within the original scope of the Charity.

2569. Rev. Dr. MOLLOY (to Witness).—Have you looked into the history of the administration of the fund?—I have read the evidence.

2570. One of the witnesses, Patrick Smith, a man whose memory went back to a very distant period, said that no distinction whatever was made between Catholics and Protestants, in the early days, in the administration of the fund; and that his belief was that it was extended to all indiscriminately. Somebody asked him how the parties qualified to share in the fund, and he said—"By getting married; that was the only qualification required."

Lord Justice FRIZGIBSON.—But I think that was the time immediately before this suit was instituted, or a very considerable time before the suit was instituted, when the whole administration of the thing turned out to have been left derelict.

Witness.—It was in confusion. There was one portion of the evidence of that gentleman, Smith, that I thought rather interesting. It showed that this testator had a great regard and feeling for agricultural labourers. Reading his evidence satisfied me to some extent that that was the class he wanted to benefit, because Mr. Smith said—

"He was so fond of these men that he used to get a pipe to come in and play for them."

Of course anything that I say must be said with great respect for others who are better instructed than I am; but it appears to me that in 1877, having regard to the testator's intentions, the best way would have been to enlarge the area of distribution by admitting the girls from the nine adjoining counties. If that had been done it would have brought in a great number of claimants. The testator does not say a single word about anything except marriage portions. It has been suggested here to apply the fund in an educational direction. Well, it is difficult to see how that can be done.

2571. Mr. Justice O'BRIEN.—There is a power given by the Educational Endowments Act to treat this as an educational endowment.

Witness.—But another section directs regard to be had to the spirit of the founder's intentions.

2572. Dr. TRAILL.—Would you not think that his principal intention was to breed young Protestants all over the country wherever he could?—I won't go that length; but I think he intended to encourage the labouring population and to help them.

2573. Professor DOUGHERTY.—Do you think that a charity which encourages early marriages amongst the labouring classes is desirable from the point of view of public policy?

Mr. Justice O'BRIEN.—Mr. Brooke is not competent to give an opinion on that like myself.

2574. Rev. Dr. MOLLOY.—You referred to the clause of the Act which provides that we must have regard to the founder's intentions; the words are, "the spirit of the founder's intentions."

Witness.—The great objection is that recently made by Mr. Chamberlaine, that if you give this to educational purposes you deprive the class which the testator meant to benefit of the benefits intended for them. He intended it for the poor.

2575. Mr. Justice O'BRIEN.—He intended to give them bread instead of reading and writing.

Witness.—Educational provisions are very largely made by the State. A large amount of money is given to the National Board for the purposes of Intermediate Education, and to the Royal University. It appears to me that to divert this fund from the

specific intentions of the testator, namely, marriage portions, would be to heap up a very large fund for education which should be supplied elsewhere.

2576. Professor DOUGHERTY.—The class of education which the State does not provide for is precisely that which this fund could be made to benefit most, namely, technical education.

Witness.—Do you think that the children of agricultural labourers are likely to go in for technical education?

2577. Professor DOUGHERTY.—Why not?

Witness.—I should rather think that it would be the persons whom the Lord Chancellor declared not to be entitled, and of whom I read out a long list, that would be the very class benefited if the fund were turned over to industrial education.

2578. Professor DOUGHERTY.—Is it your opinion that the children of agricultural labourers should be always confined to the occupations of their fathers? As a matter of fact, have not the children of many of those agricultural labourers to whom you have given these marriage portions become artisans and attained to a superior rank of life?—I really could not say. I have no knowledge.

Lord Justice FRIZGIBSON.—We had a great deal of evidence on that point.

2579. Rev. Dr. MOLLOY.—I think the net result of the inquiry was, that in Navan and its neighbourhood this Charity was doing very little good, and was not likely, in its present form, to do good; while in Longford, on the other hand, the evidence went clearly to show that it was fairly useful.

Lord Justice FRIZGIBSON.—I attributed that very much to the fact that Longford was a purely agricultural place. I don't say that that could not be said of Meath also, for it would not be true; but Navan and Kells are substantial towns, and there was a great deal of abuse of it in those places.

2580. Rev. Dr. MOLLOY.—Several instances were brought before us of this endowment having actually led people to the bad. They got married simply for the purpose of getting the marriage portion. Sometimes they drank it; and when it was exhausted they were demoralized, and were as poor as they had been before.

Witness.—It is exceedingly likely.

2581. Rev. Dr. MOLLOY.—But that is what you are advocating.

Witness.—I am only advocating that the purpose of the testator's will should not be defeated.

Rev. Dr. MOLLOY.—We should provide securities that the benefit of the endowment should go to the poor of the labouring class.

2582. Professor DOUGHERTY.—If it has been found by practical experience that the arrangement which the testator made to benefit a certain class produces an actually opposite result, surely we are not bound to maintain that state of things?

Witness.—No.

Dr. TRAILL.—All the Longford evidence was the other way; they all said there that these marriage portions had done an immensity of good in Longford.

2583. Mr. Justice O'BRIEN.—Except from one clergyman there was no adverse opinion expressed there. One Catholic clergyman did express an adverse opinion.

Witness.—You cannot argue from people making a bad use of it.

2584. Lord Justice FRIZGIBSON.—My mind was affected in a direction I did not expect by the evidence we got of the Roger Palmer Charity, at Rush. It was a small and very restricted charity; and it was on the testator's own property, and therefore more of a family kind. We got strong evidence that the giving of marriage portions was useful where the portion was of a fixed amount, and, above all, where the person was able to see before he got married, that if he married he would get a portion, and he able to make it a sort of provision for himself. We had one

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instance where a Protestant girl who received it was enabled to pay a fee to a training college. But there are two vital differences between the Roger Palmer Charity and this case. In the former, the acts of the endowment was small, in consequence of which the recipients were individually known to the clergy who had the management of it. Secondly, the recipients knew before they married that they would get portions. In the Chariton Charity it is the other way. They have to get married first and then they send in their claims; and, in the case of the Catholics, it is

perfectly obvious that it can be of no practical use to them as a provision, for they don't know the amount of it. It varied in different years. In one year it was £75, and it went up in another year to £17. Two things will have to be kept in view, if this endowment is retained for marriage portions—one, that the portion shall be assured before marriage, and the other that the amount shall be large enough to be useful. As to abuses, of course we may restrict them, but we cannot do away with them altogether.

The inquiry then terminated.

June 26 1891.

PUBLIC SITTING—SATURDAY, JUNE 20, 1891.

At the Ballyroan Endowed School.

Present:—The Right Hon. Lord Justice FITZGERSON, and the Right Hon. Mr. Justice O'BRIEN, Judicial Commissioners; and the Right Rev. Monsignor MOLLOY, D.D., D.Sc., ANTHONY TRAILL, LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

*THE PRESTON ENDOWMENT.

(OBJECTIONS AND AMENDMENTS).

Lord Justice FITZGERSON made an introductory statement.

CHARLES A. BURY, Head Master, sworn and examined.

Charles A. Bury.

2585. Lord Justice FITZGERSON.—You are now Master here?—Yes.

2586. When were you appointed?—On January 1, 1890.

2587. By whom were you appointed?—By Mr. John Joseph Preston, and the representative of the other trustees.

2588. Were you appointed in writing?—Yes.

2589. Have you the writing?—No; I think the solicitor returned it to the Commissioners of Education.

2590. When you came here I presume there were no pupils?—No; I did not come down here until this spring. The Commissioners represented to me—at least I understood from them—that it was useless to come down here. The place was not in order, and there were no pupils. I remained on at Navan, drawing salary from this place, but none from Navan. The formal date of my appointment was March, 1890, and I remained on at Navan with the sanction of the Commissioners, teaching there until last winter.

2591. Had your attention been called to the fact that the trust was to pay a salary to a schoolmaster resident in Ballyroan?—Certainly, immediately before I came down here.

2592. When did you become resident in Ballyroan?—This spring.

2593. Then for upwards of a year you were not resident in Ballyroan?—No.

2594. But you drew the endowment?—For this, but not for Navan. I was told there was no school here, and there was no use in coming.

2595. When did you come?—In February last.

2596. Since you came here, have you done anything in the way of teaching?—Yes; there are ten pupils attending now.

2597. Where did they come from?—Two come from the district between this and Maryborough, two from Abbeyfeix, five from Ballyroan district, and one from Ballinacilly, about two or three miles from Abbeyfeix, and about four miles from here.

2598. How many belong to Ballyroan?—Five are from the village, and two from about half way between this and Maryborough.

2599. In what position in life are the children that

come from the village?—Sons of farmers and shopkeepers.

2600. What course of education do they get?—Of course they came from the National School, and they had only done that course, but they have just commenced Latin and French.

2601. Monsignor MOLLOY.—How far had they gone in the National School; up to what standard?—I really don't know.

2602. Judge O'BRIEN.—What book were they reading; do you know the National system?—I don't know the National system.

2603. Lord Justice FITZGERSON.—What are their ages?—From about 7 or 8 to 21.

2604. Do they all belong to the same family?—No; there are two children of one family, and one child of each of three other families.

2605. You said there were children that came from a distance?—Yes, one boy from Ballinacilly, and two from between this and Maryborough.

2606. How far?—About three miles.

2607. Monsignor MOLLOY.—How do they travel?—On a donkey-car.

2608. And the boy from Ballinacilly?—He drives in also.

2609. Lord Justice FITZGERSON.—Practically, the limit of distance seems to be three miles?—Yes; Ballinacilly is about four.

2610. You have not had any children from Maryborough itself?—No.

2611. Have you had any children from the Deery estate?—I really don't know where that is.

2612. Monsignor MOLLOY.—Have you any boarders?—No; I did not make any attempt to get boarders, owing to the state of the school.—In fact, I did not push the school, because it seemed almost useless.

2613. Judge O'BRIEN.—What is the religion of the ten pupils?—There are four Protestants and six Catholics. I believe I could have obtained other boys had I pushed it.

2614. What reason led the Catholic pupils to come from the National school to your school, was it to obtain higher education?—I presume so, I don't know.

* For Objections and Amendments to Draft Scheme, see Appendix C., *ibide* p. 252.

2618. Are they of a superior class to those usually educated in National schools?—About the same class.
2619. Monsignor MOLLOY.—Are all the ten boys learning Latin?—No, one is not.

2620. Lord Justice FRYGIBSON.—I suppose you do all the teaching yourself?—No, I have an assistant.

2621. How is he paid?—There is an allowance for an assistant master, he is paid by the Commissioners.

2622. What do you draw from the Endowment?—£90.

2623. What does the teacher draw?—The assistant's salary is £60.

2624. How long has he been appointed?—About a month.

2625. What does he teach?—There is nearly a class for every boy, we teach in two rooms.

2626. What position did you hold at Navan?—I was the assistant master there.

2627. You are succeeded, I presume, now by another assistant there?—Yes.

2628. Monsignor MOLLOY.—Did you try to enforce any standard of education at entrance, or did you take all that presented themselves?—I took all that presented.

2629. Professor DOUGHERTY.—When you say you could get additional pupils do you mean additional day boys or boarders?—I think both, I did not make any attempt to obtain boys from Maryborough.

2630. Judge O'BRIEN.—If you obtain boarders your pupils must be drawn from other localities than this?—Yes.

2631. Professor DOUGHERTY.—Do you think it would be possible to get day boys from Maryborough?—Not from Maryborough but a few from the district between this and Maryborough.

2632. Lord Justice FRYGIBSON.—Do you know the locality, or did you come here as a stranger?—I came here as a stranger.

2633. Have you been able to form an opinion as to the possibility of gathering anything like a substantial school here?—It is a rather difficult question; I believe a school here would serve a certain use.

JAMES M'MAHON examined, having been sworn on a previous occasion.

2634. Lord Justice FRYGIBSON.—The lands that we are in pursuit of are called Rockbrook and Flagg Park, do you know them by those names?—Here is the land (indicating on map).

2635. Do you know who are the tenants?—The tenant of Rockbrook is a man residing in the village, Mr. Wm. Delany.

2636. Judge O'BRIEN.—To whom does he pay rent?—To Mr. Franka, the receiver for the Commissioners of Education.

2637. Lord Justice FRYGIBSON.—Who is the tenant of Flagg Park?—A man named Claxton.

2638. Dr. TRAILL.—Are these tenants under temporary agreements, so that the land can be taken up again?—They are yearly tenants.

2639. Do they pay cash?—Yes, they do.

2640. Lord Justice FRYGIBSON.—We heard before that you had been a pupil of this school, have you anything to say about the prospects of maintaining a school in this place?—I think, if those masters were appointed now, and the school left on here, and a Board appointed to supervise the attendance, and a proper inspector to visit it occasionally, that the school would be likely to go on successfully.

2641. How many boys would you be likely to get?—Mr. Bury has told you there are ten boys, I think that number would be doubled before long.

2642. Monsignor MOLLOY.—Do you know the five pupils that are here from Ballyroan?—I do.

2643. Are they boys that would be naturally in a National school, or are they boys that want that kind of education that is given in an Intermediate school?—They are boys that would be likely to go to some profession afterwards, and want such an education as would be given here.

2631. Judge O'BRIEN.—The question is a difficult one but I should say the answer was easy?—That is for you to say; a school here would fill a gap and serve a purpose, whether it would be a very successful school I cannot say.

2632. Lord Justice FRYGIBSON.—Have you got the land?—I have the lawn and garden.

2633. Do the Commissioners pay the rent?—No. I was told there was a rent of £5 or £4 a year on it which I was to pay.

2634. I think that is a rent payable for the house alone, but there is a rent of some £30 a year for the land, I presume they do not ask you to pay that?—No, I did not know whether I had that land or not.

2635. Do you know who has it?—I asked Mr. M'Dowell, in Molowarthstreet, he said there was some land, but he was not very clear, and he told me there was a rent of £5 or £4 a year. I said "all right."

2636. Monsignor MOLLOY.—You hold the lawn?—Yes, I believe there is other land, but I don't know anything about it.

2637. Judge O'BRIEN.—Have you a degree from Dublin University?—No, I have not, I am at present a student there.

2638. Dr. TRAILL.—How far are you on in Trinity College at present?—Senior Freshman.

2639. Monsignor MOLLOY.—Was there any mention of land in your appointment?—I could not remember, all the land I hold is under six or seven acres.

2640. Judge O'BRIEN.—Before you came here from Navan did you hold this land?—No; I did not touch the land, I believe it was meadowed, and the meadow sold.

2641. Lord Justice FRYGIBSON.—Now we should be glad to hear any gentleman who represents the locality.

Lord de Voe.—I would suggest you should examine Mr. M'Mahon, a resident of Ballyroan, who can point out the bounds.

2652. Do you know if they had finished their education at the National school?—They could be advanced further in the National school.

2653. Judge O'BRIEN.—Could those pupils attend a school in Abbeylisk?—It would be a great inconvenience.

2654. Lord Justice FRYGIBSON.—The same inconvenience to those five that the two are now suffering that come here from Abbeylisk?—Just so.

2655. Monsignor MOLLOY.—Of course you think Ballyroan has the first claim to the school?—I do.

2656. And the Abbeylisk people would be put to the inconvenience of coming that distance?—I think it is unfair to disturb the school.

2657. Professor DOUGHERTY.—You cannot call it disturbing the school considering there was no school in existence?—There were reasons for that that I would not like to refer to.

2658. Lord Justice FRYGIBSON.—I think you told us that when you were a pupil here the largest number you remember was six or eight boys?—I don't know exactly what I told you, but I think there were fourteen boys here at one time.

2659. Monsignor MOLLOY.—There was no crying want of a school here when a schoolmaster was appointed in January 1890, and there was no necessity for his coming here until the spring of 1891?—Because it was generally believed that the school was gone out of this place.

2660. The endowment was going off to Navan?—It was thought there never would be a school here again.

2661. Lord Justice FRYGIBSON.—Mr. Lyon, who is dead, seemed a very presentable schoolmaster, how is it that there was such a total failure of the school here in his time?—There are things I would

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James
H. Mahon.

not like to answer. His father had been schoolmaster here before.

2662. Dr. TRAILL.—What age man was the late master?—Fifty or fifty-five.

2663. Judge O'BRIEN.—The reasons, whatever they are, have operated for a long period of time, during which the whole thing appeared to be abandoned—I cannot go back to that.

2664. Lord Justice FITZGERSON.—Mr. Lyon was appointed on September 20, 1845, in succession to his father, and he had previously been the assistant in the school. He said that before his father died, the school fell away?—He had seven or eight boarders.

2665. Judge O'BRIEN.—In your time, what was the proportion between Catholics and Protestants?—The boarders were all Protestants, but three-fourths of the day boys were always Catholic.

2666. Lord Justice FITZGERSON.—Which are you?—A Catholic.

2667. Then during your time, just as at present, Catholic boys of this immediate neighbourhood, who wanted intermediate education, came to this school?—Yes.

2668. Then the claim of Ballyroan is to have a school for whatever number of day boys there are about the village, and, as far as one can gather, that is from five to ten?—I have no doubt but that it would be double that at present. I know lots of boys that would come from the outskirts of this locality, about three miles distant for instance, only for the uncertain nature of the school.

2669. To what schools are they going now?—National schools, some of them. In Knock there are

four or five that would come here now if the school was established.

2670. Monsignor MOLLOY.—Do you think that for the majority of boys in this locality wanting education Ballyroan would be as good a centre as Abbeyfeix?—I think it would be every bit as good; I see nothing to prevent it from being as good as Abbeyfeix.

2671. Lord Justice FITZGERSON.—Abbeyfeix is a much larger town?—That may be, but from the surrounding districts the boys would as soon come to Ballyroan as go into Abbeyfeix.

2672. Within the same radius, but how many are there within that space?—I cannot tell.

2673. Monsignor MOLLOY.—You think there would be twenty pupils coming here from the locality and the surrounding districts?—I do believe that.

2674. What is the greatest number of pupils you have known in the past?—About fourteen.

2675. Dr. TRAILL.—Don't you think it would be a large expenditure to spend £200 a year and the interest on £5,000 on twenty boys?—Perhaps if it was removed to Abbeyfeix or Maryborough you would be spending it for the same number.

2676. There would be more at Maryborough or Abbeyfeix?—I don't know that.

2677. You think there would not?—I could not tell.

2678. Lord Justice FITZGERSON.—In what Roman Catholic parish is Ballyroan?—It is connected with Abbeyfeix.

2679. Is the parish priest of Abbeyfeix the parish priest of Ballyroan?—Yes.

2680. In the Protestant Church also it is in the parish of Abbeyfeix?—Yes.

WILLIAM DELANEY sworn and examined.

William
Delaney.

2681. Lord Justice FITZGERSON.—Are you tenant of Rockbrook to the Commissioners of Education?—Yes.

2682. How do you hold it?—From year to year.

2683. What quantity of land have you?—About 25a. 1r. statute.

2684. Is there any dwelling-house on the holding?—Only an assistant teacher's house.

2685. Do you know the Flagg Park?—Yes.

2686. Where is that?—About 100 perches from this.

2687. How much land is in that?—10 or 11 acres.

2688. Who is the tenant there?—Richard Claxton.

2689. These two are the only tenants' holdings the Commissioners have in this locality?—I don't know of any other.

2690. What rent do you pay?—£31 16s.

Lord Justice FITZGERSON.—Mr. Claxton probably pays a few pounds for his place, so as to clear the £38 9s. 6d. head rent. The £38 9s. 2d. rent paid for these lands has always been entered in the accounts of the Commissioners as rent of the Ballyroan school-house, and since the Commissioners began to keep separate accounts it has been paid entirely by Ballyroan.

2691. Judge O'BRIEN.—Do you take any interest in this question of the school?—I do.

2692. Lord Justice FITZGERSON.—Where do you live?—In Ballyroan.

2693. What do you think about keeping a school here?—I would do all I could to keep it here.

2694. Could you do anything towards contributing pupils?—Yes, I have five boys.

2695. Where do they go at present?—Four go to the National school, there is one going here.

2696. What is the difference between the teaching here and the National school?—I am not able to tell.

2697. Professor DONOVAN.—Why do you send him here?—I would wish to give him a good education; it would be out of my power to send him to a boarding school.

2698. Were you asked to send him?—I don't say I was asked.

2699. Judge O'BRIEN.—Was it suggested to you?—Well, it might have been.

2700. Dr. TRAILL.—You would like to back up the school?—Yes, and being a tenant on the estate.

2701. Lord Justice FITZGERSON.—You consider it higher than a National school?—Yes.

2702. Professor DONOVAN.—Was there a push within the last six months to get pupils?—I don't know that there was.

2703. Lord Justice FITZGERSON.—Supposing the school was settled here, could you form any idea as to how many boys would come?—I remember seven boarders. There were day pupils at the same time.

2704. Judge O'BRIEN.—You are a Roman Catholic?—I am.

2705. Dr. TRAILL.—Would there be more than twenty boys available in the neighbourhood?—I cannot say.

2706. Lord Justice FITZGERSON.—Are there any Protestant tenants or shopkeepers in the immediate neighbourhood of Ballyroan?—The other tenant is a Protestant.

2707. Professor DONOVAN.—Is it your eldest boy that comes to this school?—Yes; he is something over fifteen.

2708. Lord Justice FITZGERSON.—How far had he gone in the National school before he came here?—He was in the sixth class.

2709. Monsignor MOLLOY.—Are you a native of Ballyroan?—Of the adjoining parish; I have been in Ballyroan upwards of thirty years.

2710. If the school was moved, could boys go from this to Abbeyfeix?—It would be very inconvenient.

2711. Could they go to Maryborough?—No, unless they had some way of conveyance; they might go in summer.

2712. You would rather the Abbeyfeix boys would come out here?—I would.

Mr. James J. Mahon.—This gentleman suggested that perhaps we were pressing boys to attend the school; that is not so, or we could have twice the number of pupils attending.

Viscount De Vaux examined, having been sworn on a previous occasion.

June 20, 1891.

Viscount
De Vaux.

2713. Lord Justice FRYGIMSON.—Since the last occasion what has been done in Abbeyleix, or its neighbourhood, with a view to form a school board there?—We had the public meeting, which passed the resolutions you have before you; and a committee was appointed, who have been collecting subscriptions or getting promises and guarantees.—Mr. Leigh, who acted as secretary, will tell you that. We have not yet succeeded in collecting the full sum of £500, but it is getting on over £400.

2714. You would be able to comply with the condition of raising £500, on condition of getting a grant of £500 more?—I have very little doubt of it.

2715. If you had £1,000 in money, have you got premises on which you could establish a school?—I am prepared to show you two buildings in Abbeyleix this afternoon, and I don't think either of them requires a large expenditure.

2716. Have you formed an opinion of what number of boys boys you could have in Abbeyleix?—No; I have not.

2717. Judge O'BRIEN.—I suppose you have some general impression of the class of persons in Abbeyleix who would send their children to a school where immediate education was given—shopkeepers and people of that class. Are you able to say that a considerable number of inhabitants of Abbeyleix would send their children to the school?—I have very little doubt of it, and then there is a large district which centres at Abbeyleix. I have brought the map of the Abbeyleix Union which shows it. Ballinacra from the centre of the market place is 3 miles 1 furlong distant. Ballinacra would be about the same. Then Durrow and Ballinacra centres on Abbeyleix. Durrow is an important village; Ballinacra is a large fair town.

2718. Lord Justice FRYGIMSON.—You mentioned when we were here before a sum of money that a Friendly Society had available; what is the position of that money?—It is about £500, rather more, in the hands of three trustees; I am one, Mr. Staples and Mr. Thomas Leech are the others. It was an old Protestant Friendly Society which lapsed; they held a building which I bought from them, it realized over £500; that was invested for the benefit of Protestant objects, and the trustees think they are justified in offering it as an endowment for the benefit of this school for Protestant boys exclusively.

2719. As a Protestant educational endowment to supplement the Protestant educational endowment under Preston's will?—Yes.

2720. Treating those as Protestant endowments, do you think it would be possible to utilise them in a school under a mixed Board?—The idea of the trustees was that this sum of £500 from the Protestant Friendly Society should go to provide scholarships or something analogous exclusively for Protestant pupils.

2721. Judge O'BRIEN.—So as to retain its exclusively Protestant character?—Yes; I don't think we could go outside that.

2722. The Abbeyleix resolutions appear to be framed on an undenominational character of the schools?—Yes, except one about the head master.

2723. You propose the assistant master might be a Catholic?—Yes; the resolution was at first that with the exception of the head master, the other salaried masters might be of any religious denomination. An amendment was proposed by the parish priest, which was carried, that the second should be a Roman Catholic, and the remainder of any religious denomination.

2724. Have you formed any opinion in reference to the division of this endowment between Maryborough and Abbeyleix?—I feel very strongly that there should be only one school. I think with two schools in the county you would have only two inferior schools competing with one another.

2725. Dr. TRAILL.—Would you rather there should be only one school at Maryborough?—No. We will take all we can get for Abbeyleix.

2726. Lord Justice FRYGIMSON.—Do you think schools at Maryborough and Abbeyleix would be competing schools injuring one another?—I don't think the county could support two schools. We are in railway communication with Maryborough, and Maryborough boys could come by train from Maryborough to Abbeyleix.

2727. Dr. TRAILL.—And Abbeyleix boys could go to Maryborough?—Yes.

2728. Judge O'BRIEN.—Is the population of Abbeyleix increasing?—That I am not able to tell. I have not heard the result of the census.

2729. Dr. TRAILL.—Have you any experience of mixed governing bodies in education?—No.

2730. Have you any reason to suppose it would work harmoniously?—From the spirit shown at the public meeting we held in Abbeyleix I think it would work, but strong objections have been made since, as you are aware.

2731. In what respect do you think a school of that kind would better maintain the Protestant religion, and better breed and train up youth in the fear and knowledge of God?—My own opinion is you cannot hold in these days strictly to the very letter of the foundation.

2732. Your proposal is to set aside the will of Alderman Preston?—No. You retain his provision that the head master is to be a Protestant.

2733. Lord Justice FRYGIMSON.—There is a great deal more than that in the draft scheme which has, perhaps, been misinterpreted. The 17th section provides that every master entitled to receive any salary from the Preston endowment shall be a Protestant. We considered ourselves bound by the will to do that; but, speaking for myself, I don't see how a school falls to be for the advancement of Protestant boys if there are Roman Catholic boys also in it.—That is the history of our resolution; we thought it would be hardly fair to expect Roman Catholic boys to come to the school if there were only Protestant masters.

2734. Dr. TRAILL.—Suppose an attempt is made in the future to divide the endowment and hand it over to the different denominations?—I don't know.

2735. Roman Catholics object to these mixed schools, and after they have been at them for some time they make a claim to half the endowment—that is my experience after six years on this Commission?—The parish priest, Father Lawler, stated that he would not be unwilling to accept the position offered him of being one of the ex-officio members of the governing authority, but he could not give an opinion definitely; he should consult his ecclesiastical authorities. His own feeling, I think I may fairly say, was in favour of it.

2736. Lord Justice FRYGIMSON.—My idea was that we were bound to preserve the Protestant character of the Preston endowment, but if a school was established with a Protestant master, we never could prevent him from taking in Roman Catholic pupils, and we ought not to prevent the local Roman Catholics from making an arrangement with the governing body of the school that would permit their boys to go. Since the school has been re-opened here, six out of the ten pupils are Roman Catholics.—The reason we proposed a mixed school originally was, that we knew that a large proportion of the pupils in the memory of man had been Roman Catholics, and we did not expect that in the future parents could be expected to send their children if the school was exclusively under Protestant management. I don't think that either here or in Maryborough, an exclusively Protestant school can prosper, if confined solely to Protestant boys.

2737. I understand you to say that if no boys were to attend except Protestants, the numbers would not be

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Witness
De Feet.

sufficient to make it as good as a school attended by different denominations?—No.

2738. Therefore the Protestant pupils would benefit if it was made a better school by larger numbers attending?—Yes.

2739. If this endowment was given to Abbeyfeix, do you see any objection to its being paid to a Protestant master?—No. As the meeting in Abbeyfeix, at which there were a large number of Catholics, we were unanimous in maintaining that clause, that the headmaster should be a Protestant.

2740. Monsignor MOLLOY.—Would it be possible to carry out your idea by keeping the scheme as it stands, and paying a Catholic master out of the fees of the pupils; the scheme provides that you cannot apply Alderman Preston's endowment to paying a Catholic master, but you may pay a Catholic master out of the fees of the pupils?—I think some provision of that kind might be made; the two clauses did not seem to read together. Sub-section (c) of clause 5 says the headmaster shall be a Protestant, if there be more masters than one in the school; that seemed to leave it open to have other masters of a different denomination.

Lord Justice FRERGINSON.—Certainly; but in applying Alderman Preston's endowment, you should pay it to a Protestant master.

2741. Monsignor MOLLOY.—Having established the school with this endowment, there is nothing to prevent your paying other schoolmasters out of other funds in your own hands?—No.

2742. Professor DOUGHERTY.—What sort of school do you intend to establish?—Intermediate education, superior to what they would get in a National school.

2743. Do you intend to establish a boarding school?—No school of this kind, I am informed, can prosper without boarders.

2744. But it would mainly depend on day pupils?—Yes.

2745. How would the establishment of a school for day pupils at Abbeyfeix interfere with the establishment of a school at Maryborough for the same purpose?—That is rather difficult to say.

Judge O'BRIEN.—The distance is so great the pupils would seek the most convenient place.

Professor DOUGHERTY.—I understand your objection to any division of the endowment between a school in Abbeyfeix and a school in Maryborough rested on the ground that the county did not afford materials for two schools?—The children of the residents in Maryborough can come to Abbeyfeix by train.

CHARLES A. BURY (recalled).

Charles A.
Bury.

2757. Lord Justice FRERGINSON.—What fees do you charge here now?—Twenty-five shillings a quarter.

2758. Is that a uniform fee?—There is a slight reduction to some.

2759. Judge O'BRIEN.—Is there any middle class school at Abbeyfeix at all.

Lord de Feet.—No. Might I ask what are the fees at Navan?

Mr. Bury.—I don't know, but I fancy about the same.

2760. Monsignor MOLLOY (to Lord de Feet).—You consider if the endowment is kept at Abbeyfeix it will be available for the locality that the founder of the endowment intended to benefit?—Yes.

2761. And that if it is removed to Maryborough that locality will not get the benefit of the endowment?—No. There is no evidence I believe to show whether the Decary estate was intended to be benefited by this school.

2762. Lord Justice FRERGINSON.—So far as I am concerned it is as little of a local endowment as I ever saw, because the lands are near Mountsh, and the

2746. Is not your objection that the endowment, if divided, would be too small?—That is the principal one.

2747. Lord Justice FRERGINSON.—Have you looked to see what schools have been worked with similar endowments?—No; I have not gone into that.

2748. Dr. TRAILL.—The most successful schools in Ireland have not more than £100 a year?—I have no knowledge of that.

2749. Coleraine school has only £100 a year for the headmaster, and so have the Erasmus Smith schools?—That would leave nothing for anyone else. In the scheme you propose to pay special teachers in branches of technical education—all that will take money. I am looking beyond providing a salary for the headmaster.

2750. Professor DOUGHERTY.—These are examples of perfection that are only to be carried out when you have got the money?—That is why we want it.

2751. Lord Justice FRERGINSON.—If you once had a school established with anything like a fair number of pupils you could then work these classes?—Still we first looked to the endowment to provide a great many of these things.

2752. Dr. TRAILL.—What school fees would be charged?—That we have not considered.

2753. Could they pay from £2 a quarter?

Judge O'BRIEN.—No, from £1 to £2.

2754. Dr. TRAILL.—Would fifty boys be available?—I think that is putting it at too many, but I could not tell.

2755. They say they can have twenty boys in this locality and there would be no reason for moving unless you can show that at Abbeyfeix you would have more?—But I would bring this locality into Abbeyfeix.

2756. Lord Justice FRERGINSON.—I see the time taken for a train to get from Maryborough to Abbeyfeix is twenty minutes. I come to my business every morning by a train that takes half an hour with a compartment full of children going to school. There is a train leaving Maryborough at nine o'clock and getting to Abbeyfeix at 9.30 and there is one leaving Abbeyfeix at 4.25 and reaching Maryborough at 4.45.

Judge O'BRIEN.—The cost is an element, and the pupils you accompany are of a different class.

Dr. TRAILL.—In Coleraine they go all along the line. What are the buses going the other way?

Lord Justice FRERGINSON.—They would not suit at all, but I suppose there could be a change.

will divide the income between Navan, Ballyroan, and Dublin. He happens to have had a small estate near this, but this bit alongside was manifestly only part of the school premises. The Decary estate is near Abbeyfeix.

2763. Monsignor MOLLOY.—He intended to benefit the neighbourhood of Ballyroan, and Abbeyfeix is in the same district while Maryborough is not.

2764. Lord Justice FRERGINSON.—The founder has not said one word about benefitting the tenants, or anything of that kind, which is a very common thing. I would like to mention with regard to any profits that may arise from this house, it is stated by the Commissioners of Education that it was bought out of the accumulated funds of Navan and Ballyroan, I would ask whether Navan has not also had expenditure out of that same fund which should be set off.

Lord Justice FRERGINSON.—We should ascertain whether there was any such payment—they only began to keep separate accounts in recent years; if there is to be any charge against you we should see that there was no previous expenditure on the other side.

SAMUEL LEIGH SWORN.

June 20, 1881.

Samuel Leigh

2745. Lord Justice FRERGINSON.—You have been acting as secretary of a committee of the inhabitants of Abbeyleix in this school matter?—I have.

2746. What wants in the way of education do you think you have in Abbeyleix?—There was a memorial got up, I went round to get it signed, and it appears there can be about forty-two pupils got in the neighbourhood of Abbeyleix, Durrow, and that district which is thickly populated.

2747. Judge O'BRIEN.—From families of the middle class?—Yes.

2748. Lord Justice FRERGINSON.—When you speak of "that district" what distance do you take as the radius from Abbeyleix?—About four miles.

2749. About the distance that this school is from Abbeyleix?—About that, or it may be a little more.

2750. At the Durrow side there are a great many people but no school?—No school.

2751. What is the present provision for education in Abbeyleix?—There is no provision, except two National schools, one Roman Catholic and the other Protestant.

2752. Judge O'BRIEN.—Do the sons of shopkeepers attend these schools?—I should say so.

2753. Lord Justice FRERGINSON.—And farmers?—Decidedly.

2754. Monsignor MOLLOY.—Where do any boys go who want a more advanced education than they can get in the National schools?—Some of them are going to those schools, but would much prefer going to this school if it was established in Abbeyleix, and probably the means are not in it of sending them to boarding schools.

2755. Judge O'BRIEN.—Is there a Christian Brothers school there?—No.

2756. Then there are no means of intermediate education in Abbeyleix at present?—None whatever.

2757. Monsignor MOLLOY.—You think you would have forty pupils in Abbeyleix and the district?—I put down the premises from each family, and the list is forty-two.

2758. Dr. TRAILL.—Are those all of ages that can go simultaneously to this school, or are they of ages that will go from generation to generation?—I should say the numbers will be kept up.

2759. Lord Justice FRERGINSON.—Of those forty-two have you any idea what the proportion is of Protestants and Catholics?—The entire number of those I went to are Protestants.

2760. Judge O'BRIEN.—Why did you not go to the effect?—I only went round a day or two before the meeting.

2761. The numbers might be increased if you distributed the favours equally?—I distributed the favours equally as far as the circulars I sent out for the meeting.

2762. Do you agree with Dr. Traill's view that in the town of Abbeyleix you can make the sugar-loaf stand upon its smaller end?—I could not answer that question.

2763. Because that is the difficulty apparently and

may have led to the extinguishment of this school?—I think a school ought to succeed in Abbeyleix.

2764. Lord Justice FRERGINSON.—Do you think it would have a better chance of succeeding if Roman Catholics attended, than if it was exclusively Protestant?—I think the numbers would make the school, and I have no objection to the Roman Catholic children coming there.

2765. Dr. TRAILL.—We should all be glad to see them coming; but what guarantee have you that they will continue going there, when they are ordered to go out of the school, and the school is ruined by it?—what is to happen, suppose we transfer the endowment to Abbeyleix, and there is a nice school there, and after a few years an order goes out that they are to leave that school?

Judge O'BRIEN.—That is not a question for Mr. Leigh, it is a controversial argument; there are a great many places where Roman Catholic children of all ranks do frequent such schools, and will frequent them still more in the future I can venture to say.

2766. Dr. TRAILL.—You don't know anything about the Maryborough scheme?—No.

2767. You don't support it?—Decidedly not, all I know is that the district about us is much more thickly populated.

2768. Your population is only 1,105, while the population of Maryborough is 2,372?—Here (produced) is a map showing the population within reach of Abbeyleix to be 16,983, yet you can only supply forty-two boys out of it; this is imaginary altogether, you might as well give the population of the County Antrim!—There is nothing imaginary about it.

Lord Justice FRERGINSON.—Forty-two boys for intermediate education out of a total population of 17,000 is fair enough.

2769. Judge O'BRIEN.—Is Abbeyleix increasing in prosperity?—It has improved very much recently, and as long as Lord de Vesci is living there it is bound to prosper.

2770. Did you obtain any information as to what funds could be reasonably expected for this school?—We have already in a few days guaranteed £450, I have the amounts here, and some more have been received this morning that are not down, I have not the slightest doubt there will be £500.

Judge O'BRIEN, reading—Lord de Vesci, £100, many subscriptions of £20, £15 and £10, very considerable sums indeed; you will have no difficulty whatever in collecting it.

2771. Lord Justice FRERGINSON.—And you have a building that we saw?—Yes, and there are more suitable ones you will see later on.

2772. Judge O'BRIEN.—Are the persons who put down their names for subscriptions those whose names you obtained as likely to send pupils?—Some are and some are not.

2773. It is a very strong evidence of the interest they take in the matter?—There are some names there that voted against the scheme before the select vestry and they have come and subscribed, I don't think they exactly understood it.

Rev. BRADSHAW T. DUNN sworn and examined.

2774. Lord Justice FRERGINSON.—You are Rector of Abbeyleix?—Yes.

2775. How long have you been Rector?—Since May, 1880.

2776. You communicated to us the resolution of the vestry about the school, what is your view, first as to the possibility of maintaining an intermediate school at Abbeyleix?—I think an intermediate school might very well be maintained there.

2777. At present there is none?—There is none.

2778. You have heard the suggestion that there might be forty pupils or three-hundred available in the neighbourhood, do you agree in that?—I can only answer for my own flock, I cannot exactly conceive how the number of forty can be arrived at.

2779. Monsignor MOLLOY.—How many would you calculate might be available from your own congregation?—Really I could not put my hand on any, this has been got up without the slightest consultation with me.

Rev. Bradshaw T. Dunn.

June 18, 1891.
Rev. Archbishop
T. Dineen.

2500. Professor DOUGHERTY.—It does not require any consultation!—I only say I don't know anything about the matter.

2501. Do you know Frederick D. Post?—Yes. He is not in my parish.

2502. Do you know Mr. Burke of Abbeylisk?—Yes.

2503. Is he a member of your congregation?—Yes.
2504. He appears to have two children available?—Might I ask their ages?

2505. Lord Justice FITZGERSON.—Is it then your opinion that there are no children in Abbeylisk, available for an intermediate school?—I could not put my finger on any.

2506. Then this endowment is not wanted for Abbeylisk at all?—At present there are not children in Abbeylisk, you may consider it a good omelet point for other parishes.

2507. Where do you think the money ought to be made available?—I consider the locality a secondary point, but it seems to me that Maryborough would be the most central point.

2508. Central for whom?—For the general population of the district. It is the county town, and it is on three lines of railway, the Kilkenny, the main line, and the Mountmellick line.

2509. Then your opinion is that the pupils for whom this ought to be made available would more readily attend at Maryborough than at Abbeylisk?—I have not made any inquiries, but I should say so.

2510. Were you in the chair when these resolutions were carried, apparently unanimously?—

"Rev. B. T. Dineen's proposals were proposed by Thomas Hartford, seconded by William Tindal. First, that the said endowment should not be divided. Second, that the said school should not be removed from Ballyroan, unless it be transferred to Abbeylisk a more populous and convenient centre in same district?"

Well, I considered it was a more populous and convenient centre.

2511. You tell us now that it is a centre without any pupils at all?—Yes, but it is accessible from various points.

2512. Monsignor MOLLON.—How do you expect that there will be pupils at these points if you have none in Abbeylisk?—I don't say we have none, I am not aware of any of my own particular flock who are of an age. Of Mr. Burke's children the eldest is about four or five.

2513. Dr. TRAILL.—I suppose you were comparing Abbeylisk with Ballyroan when you passed that resolution?—I was. Plainly speaking, my chief reason for preferring Abbeylisk was on account of Lord de Vesci's influence and interest.

2514. Lord Justice FITZGERSON.—There would be no use in exercising influence and interest in an educational matter over a locality in which there were no pupils?—No.

2515. Dr. TRAILL.—If this is to be considered a Protestant endowment, do you think there are more Protestant children available in Maryborough than in Abbeylisk?—I am not aware; the inhabitants of Maryborough would speak to that.

2516. Monsignor MOLLON.—Do you know any place where there are pupils suitable for an intermediate school in the Queen's County?—I should say from all I have heard that Maryborough is very suitable.

2517. But you cannot say from your own knowledge that there are any?—No.

2518. And from your own knowledge you know there are none in Abbeylisk?—I am not aware of any.

2519. Judge O'BRIEN.—Would you allow me to read the actual terms of your own proposal?—

"No. 2.—That the said school should not be removed from Ballyroan, unless it be transferred to Abbeylisk, a more populous and convenient centre in same district."

How do you reconcile that with your present

evidence, or why did you not make a proposition that if the school were removed from Ballyroan it should be removed to Maryborough? Have you changed your mind since, or did you then understand the terms of this resolution?—I considered that on the whole a school of that kind was most likely to succeed in Abbeylisk.

2520. And do you think so now?—I do, provided—I am not going into what I consider to be the main question as to the constitution of the Board of management.

2521. Lord Justice FITZGERSON.—We are not speaking at present of the constitution of the Board of management, we are trying to get at the first essential of a school, and that is pupils.

2522. Judge O'BRIEN.—Take it that the Board was to be the same, would you have the school in Abbeylisk or Maryborough?—I should personally rather have it in Abbeylisk, because it would be for the welfare of the place, as being locally attached to Abbeylisk, but I have considered the matter very much, and I am very doubtful whether Maryborough would not be the best centre.

2523. You seem to have adopted a singular means of conveying your opinion when you sent us a resolution that "the said school should not be removed from Ballyroan, unless it be transferred to Abbeylisk"?—I did not compose that resolution, I did some of them; that was drafted by those who took another view and it was put into the resolutions. I sanctioned it because I should prefer the school.

Lord Justice FITZGERSON.—This paper is dated May 18, 1891, it is signed "Brabazon T. Dineen, chairman," and it is headed "Rev. B. T. Dineen's proposals," and this is one of them. Is not Ballyroan, where we are at present sitting, in your parish?—Yes.

2524. Is it possible to utilize this £300 a year, and £3,000, here for the purpose for which Alderman Preston intended it?—I think it is quite possible.

2525. In what way?—By getting children from the different centres, from Maryborough.

2526. How are you to get them?—I don't think it was the most convenient place.

2527. I want to know first what is possible, and I ask you is it possible, and if so by what means, to make that money available where we are for the purpose for which Preston intended it, which plainly was superior education?—I think it would be attended with great difficulty, but I would not say it is impossible.

2528. It is not impossible how would you propose to do it?—I suppose the children of different districts would have to find conveyances. Already there are some children here who have come, I think the master said, between three and four miles.

2529. Two from Abbeylisk itself?—Two of my own flock, and two from the far part of this parish, also of the same denomination.

2530. If that design of gathering children together is to be adopted, is it at all as possible to carry it out satisfactorily here as it would be in Abbeylisk or Maryborough?—I should say it would be easier to adopt it in Maryborough or Abbeylisk than here.

Lord Justice FITZGERSON.—Such appears to be the opinion of everybody except those living in Ballyroan.

2531. Dr. TRAILL.—Were the resolutions called your proposals proposed by you or simply put forward by you as chairman?

Judge O'BRIEN.—He has signed them, he has endorsed the bill at all events.

2532. Monsignor MOLLON.—Do you think this endowment is wanted at all in the Queen's county?—Yes, I think it would be a very great advantage.

2533. I rather gathered from what you said that you don't think there are pupils that want this kind of

element.—What I meant to say was that I could not put my finger on pupils of my own flock with the exception of two or three that want it; of course there are four coming here now from the United States.

9834. Do you know these children?—Yes.

1831. Are they capable of taking advantage of an Intermediate education?—Quite so.

2836. Do you think there are many more in *Abneyia* in a similar position?—No, that is what I meant to say, I cannot recall to mind many more, but I am quite subject to correction.

2637. Would you mind looking over this list and see if you recognise any of the names?—I recognise all the names because they are all my parishioners.

2638. Dr. TRANE.—Tell us the ages of the children as far as you can; are those 42 boys *fid* children that could walk into a school to-morrow?—Mr. Leigh has one son, who is about seven. Mr. Dobb's children are all very much younger than that, I think he has two little boys.

1833. PROFESSOR DOUGHERTY.—What became of the previous generation of children?—They grow up. Mr. Elders, the head constable, has one son attending here.

1840. Dr. TRAILL.—How many children are there opposite his name there?—Two; I am not aware that he has two.

1941. Lord Justice FRANKS.—If you were to establish for us now that all those children were under seven years of age, don't you think you would have proved that this school would be wanting in five years time, unless they die?—You appear to think souls are born in instalments in this place.

3842. Dr. TRAILL.—I am afraid his point is that they range from four to fifteen!—(Witness).—Mr. Mayles is stated to have three; he has one son of about ten. Mr. Finnegun three. I don't understand that at all. He has certainly only two sons qualified for a school of this kind, the other two are grown up.

1841. Lord Justice Fitzgerald.—A number of gentlemen have backed their opinion with money.—Dr. Smyth, Mr. Morrison, Mr. Burke, Mr. Leigh, Mr. Walsh, Mr. Fitzherbert, Mr. Bland, Mr. Palmer, and others. Do you think that these gentlemen are capable of forming an opinion as to whether a school is wanted or not?—I should be very sorry to cast such a stigma upon them as to say they are not.

2844. Where is Dr. Stoney resident?—Albionville.

2845. Is he the disreputable doctor?—Yes.

2846. And, I suppose, would be acquainted with the wants of the district and the statistics of the children?—Yes.

2847. Judge O'Donnell.—He is stated to be ill at present.—Yes.

Lord Justice FRYGROVE.—I see he subscribes, and would not be likely to throw his money away.

2848, Judge O'Burne.—Has he any family?—He has one boy at school at Kinsale at present.

1949. He would probably send him to Abbeyleix if he had a school there?—His name is not down in the list of children.

2850. Mr. Finnegan is a subscriber, perhaps he does not belong to your flock. He does.

2851. He is not only listed for children but for
 men. Do you think he is able to form an opinion as
 to whether a school is wanting?—Quite so.

2852. Dr. TRAILL.—How many children has he on that list?—He is said to have three children.

2853. What ages are they?—His youngest boy is about ten and another boy is about twelve, I don't know the third.

2254. Lord Justice FRYGIMSON.—In what position in life is Mr. FINEGAN?—The clock of the union.

2855. Then the clerk of the union and the dispensary doctor agree in subscribing money and thinking

it useful, and have children of school-going age where you said there were none?—Yes.

2836. From the Ballinakill district I see a number of names!—That is not in my parish.

2837. How near is the border of the Abbeylands parish at the opposite side?—At the Durrow side, about two miles.

2858. Is Abbeyleix pretty nearly in the middle of the parish?—Pretty nearly; the most distant houses in the parish is five miles from me.

1889, Monsignor MOLNEY.—Which of four alternatives would you prefer—to keep the school here, to put it in Maryborough, to put it in Abbeyfeix, or to divide the endowment between Maryborough and Abbeyfeix?—The best alternative, provided all other conditions were fulfilled, would be to have it at Abbeyfeix.

2359a. Professor DOUGHERTY.—By other conditions, you mean the constitution of the governing body according to your views?—Yes.

2840. Lord Justice FITZGERALD.—Then because the Maryborough people are going in for an exclusively church governing body you back them, but, if you had an exclusively church governing body at Abbeyleix you think the school would do better there? Exactly.

2861. Judge O'Brian.—In other words if you had at your own way you would be in favour of Home Rule—No, sir, I look upon this as a matter of principle.

1862. Lord Justice Fitzgerald.—I want to understand your intellectual position. If under an exclusively church governing body you think this endowment ought to be utilized at Abbeyleix, how do you make out that a school can be maintained at Abbeyleix by the church people alone, when your evidence is that there are hardly any church people there? Again you say the school would be more likely to succeed at Maryborough, but if other conditions were fulfilled you say you would want to have it at Abbeyleix, and the only other condition turns out to be an exclusively church governing body!

2863. **Messinger Messer.**—That is, the narrower you make it the more successful it will be, and you only seem to know about four pupils of your own congregation at present available for the school in Abbeyleix!—There may be two or three more, I think there are.

2844. Judge O'Brian.—Therefore you prove that the means of maintaining it successfully must be sought outside your own denomination, if it is to be maintained in Abbeyleix; you have only four pupils of your own community to use this school, and still you are of opinion it can be maintained there!—If it is maintained at Abbeyleix—yes.

2863. Lord Justice Fingermoss.—If that is your evidence I am in a worse fix than ever, because your evidence is that the school cannot be maintained successfully at all by church people at Abbeycixty but, provided it is put into the hands of an exclusive church body, you want to have it at Abbeycixty! The locality is a secondary point.

Lord Justice FRYGROVE.—The honest use of the money for education ought to be the first point.

1866. Dr. TRAILL.—I suppose your view is that if it is a Protestant endowment altogether it ought to go to the place where the largest number of Protestants can go to it, and that is Maryborough, and it is only so that reason you prefer Maryborough to—Certainly.

2867. But if it is to be under a mixed body you would rather have it at Abbeyfeix?—I would rather.

1868. PROFESSOR DOUGHERTY.—Have you an idea of the relative proportions of Roman Catholics and Protestants in Maryborough and Abbeyleix?—I think they have about 800 church people in Maryborough and I have about 640 in the union of Abbeyleix.

2869. Lord Justice FRANKLINSON.—Then is there difference of only 160 in the church population between the two places?—About that. The difference between

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Rev. Dr. Burke,
T. Dimsey.

the union of Abbeyfeix and the parish of Maryborough is about, I should say, from 150 to 200.

2870. What is the number of your registered vestry-men?—147.

2871. These are all males over twenty-one, so you must have a population of at least 600?—It is 613.

2872. Monsignor MONTAGNANI.—Would you be in favor of extending the benefit of the endowment to girls?—I don't see anything against it.

2873. That might get you a few more pupils?—I don't see anything against it, there are girls here at present.

E. W. BURKE sworn and examined.

E. W. Burke.

2874. Lord Justice FITZGERALD.—You are Mr. E. W. Burke, of Heath Cottage?—Yes.

2875. Is that at Abbeyfeix?—Outside the town.

2876. You have signed some of the papers about this matter, and are prepared to subscribe £20?—Yes. After our Rector's actions in the matter, I thought it necessary to ascertain the views of Protestant parents who had children likely to go to that school if formed, the result is that memorial which I submit.

2877. Judge O'BRIEN.—Are you a Protestant yourself?—I am, and I believe there are some but Protestant signatures to it; I sought no others.

2878. Dr. TRAILL.—What are the ages of Mr. Fox's children?—He has a large family of all ages.

2879. What are the ages of your own two boys?—I have three children, one seven, and the other three, and a little girl of five.

2880. What is the age of Mr. Leigh's boy?—Seven.

2881. What is the age of Mr. Doherty's boy?—He has one about eight.

2882. Mr. Elder's two boys?—He is here himself, he has one son coming to the school now.

2883. Mr. Joseph Mayle's three boys?—They are all grown up. He has a lot of girls, if the school was opened.

2884. What are the ages of Mr. Finnegan's three boys?—Rev. Mr. Dimsey has correctly stated them, I think the third is a girl.

2885. Mr. Conroy?—He has eighteen children.

2886. Richard Gillespie?—He has thirteen or fourteen children.

2887. Robert Wellwood has four boys?—They are young, the eldest would be seven or eight.

2888. Professor DOUGHERTY.—There are a few children then between the age of seven and fourteen, and they have not all been swept away?—I calculate the school would not be started for two years or eighteen months from the present time.

2889. Lord Justice FITZGERALD.—You have counted boys only?—Mostly so.

2890. I assume the concentration of the population don't extend to the absence of girls?—No.

2891. Is there any reason why you should not have in Abbeyfeix, as in the north of Ireland and other places, a school where girls should be received as well as boys?—I think there would be an objection to a mixed school, but a separate class would be very useful.

2892. The teachers' emoluments might be supplemented by girls' classes?—You could put 15 girls down as likely to avail themselves of a separate class; at the same time there is a sort of Intermediate school for girls at Abbeyfeix, and that would do.

2893. How is that maintained?—By a widow lady and her stepdaughter.

2894. How many pupils have they got?—They have had up to 10 or 12 day scholars, and it is in operation still.

2895. Dr. TRAILL.—You mean girls and boys are not to sit together?—Yes.

2896. Are they to be taught at the same hours of the day?—I suppose so, that would require a separate staff.

2897. Monsignor MOLLOY.—Have you formed an opinion on clause 16 of the scheme which provides that—

"Each local School authority may, if he thinks fit, provide for the education of girls in the school, either in the same class-halls with the boys, or in separate class-halls, or may, if it seems more expedient, assist the education of girls in another school by assisting to pay the teaching staff or by giving the aid of teachers engaged by the local school authority?"

I did not notice the clause about another school, I thought it referred to a separate class. I decidedly think it would be a help and supplement to the school already established.

2898. Judge O'BRIEN.—What ages are your own children?—Seven, five, and three; the eldest is a boy.

2899. Does he go to any school at present?—He does not; I am waiting for this very purpose.

2900. Lord Justice FITZGERALD.—Have you to some extent been guided in subscribing by feeling the need of a school yourself?—Decidedly, I have no school to send my children to.

2901. You are backing your opinions with your cash?—I am, and I believe it will pay me in the long run.

2902. Monsignor MOLLOY.—Could you conveniently send them to Maryborough?—No, the train does not arrive at Maryborough until after twelve, and the last train for Abbeyfeix is half-past three; we have tried every means to obtain an early train to Maryborough and we have failed utterly. Trains from Portlaoine, Mountmellick, and Mountshellick would all serve coming into Abbeyfeix. Several people asked me about the quarterly fee, and I said, roughly speaking, it would be from £4 to £8 a year. I drew this map (produced to point out the physical features of districts surrounding Abbeyfeix and Maryborough, I know every inch of the ground. To the west of Maryborough the district is principally bog land. Abbeyfeix is undoubtedly the centre of a much more populous district; as far as population is concerned, I find a five mile radius round Abbeyfeix includes four dispensary districts and three Petty Sessions districts, with the population attached. The same radius round Maryborough includes itself and no other district. The population of Maryborough town, when compared with Abbeyfeix, includes the inmates of the jail, the infirmary, the barracks, and the lunatic asylum. The returns, according to the Census of 1881, in Thom's book for the Queen's County, prove that Abbeyfeix is the centre of a more populous district than Maryborough.

O'CONNELL FURTHER sworn and examined.

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O'Connell
Witness.

2903. Lord Justice FRYGEMAN.—You are a solicitor resident in Abbeyleix?—Yes; since 1832.

2904. You are a Roman Catholic?—Yes.

2905. Can you tell us the wants of the Roman Catholic population about education?—I have not gone very deeply into the matter, but I have formed some idea of the number of boys in the town who might use an intermediate school, if one was there, and I think there would be about ten available for such a school between the ages of seven and fourteen.

2906. Assuming the school to be under a Protestant master and supported by a Protestant endowment, do you think it would be attended by Roman Catholic pupils?—In making my estimate of the number I have considered that, and taking it as having a head master a Protestant and mainly a Protestant school, I think it would be attended by the number I have stated.

2907. What is done by parents at present?—They must send their sons away to boarding schools. Dr. Storey's son is attending a day school at Kingstown, he is living with some friends there.

2908. Roman Catholic parents have to do the same?—I think so.

2909. Is there any prospect of the establishment of an intermediate Roman Catholic school?—None whatever.

2910. Then if this school be opened they would have the choice of either going away to boarding schools, going to this Protestant school, or going without?—Quite so.

2911. Judge O'BARRY.—Dr. Storey is a Protestant?—Dr. Storey is a Protestant, in making my estimate I have confined myself to the town of Abbeyleix, and to the class likely to seek for intermediate education.

2912. Lord Justice FRYGEMAN.—People of sufficient independence look after the religious education of their own children at home?—Yes.

2913. And perhaps not as nervous about sending them to a Protestant school as others?—Quite so.

2914. Do you know any thing about the relative advantages of Maryborough and Abbeyleix?—I believe Abbeyleix to be the centre of a very thickly populated country. The town of Abbeyleix itself is smaller in population than Maryborough, but I believe it to be the centre of a much larger circle of population within a radius of four or five miles. As to the relative advantages of Abbeyleix and Maryborough otherwise, I think Abbeyleix presents all the facilities that Maryborough does.

2915. Dr. TRAILL.—Better?—No, I would not say that, there is great room for improvement.

2916. MESSIAH MORLEY.—The Maryborough pupils can come to Abbeyleix at a convenient hour in the morning, and return at a convenient hour in the evening. The Abbeyleix pupils cannot go to Maryborough at a convenient hour and return again?—They cannot.

2917. Judge O'BARRY.—And the railway company would not make proper arrangements?—They have refused repeatedly to put on an early train. I may state that Mr. Walsh, a poor law guardian of the Abbeyleix union, lives at Grangeahoun, five miles from Abbeyleix, and he informs me he knows five pupils there.

2918. Lord Justice FRYGEMAN.—I see Mr. Michael Walsh, of Abbeyleix, put his name down for £15?—Yes.

2919. Is he a Protestant or a Roman Catholic?—A Catholic.

2920. MESSIAH MORLEY.—Has he boys that would go to this school?—Yes.

2921. Have you formed any opinion as to whether Catholicism would be likely to rest on the local school authority?—I would be very pleased to act myself if appointed, I see no objection to acting on it.

2922. Lord Justice FRYGEMAN.—You would rather have a school for yourselves, I fancy, if you could get it?—Yes, but we are very glad to utilise what we can get.

Rev. Mr. DUNN recalled.

2923. Lord Justice FRYGEMAN.—Are there any Protestant places of worship in Abbeyleix besides the parish church?—There is a Methodist chapel.

2924. Is there a resident Methodist minister?—There is.

2925. Is there any Presbyterian place of worship?—No, not nearer than Ballacolla.

2926. Do you know the number of the Methodist congregation?—No.

Rev. Mr.
Dunn.

SHALBY S. SWAN sworn and examined.

2927. Lord Justice FRYGEMAN.—Where do you reside?—In Durrrow.

2928. What is the distance from Abbeyleix?—Four miles in the opposite direction from this.

2929. Are you a Protestant or a Catholic?—I am a Protestant.

2930. Can you tell us how many children there are in your neighbourhood that you think would go to school at Abbeyleix if there was a school there better than a National school?—About six between the ages of fourteen and eight.

2931. Are you speaking of boys only?—Boys only.

2932. And are you speaking of Protestants?—Protestants only, including Presbyterians. There is a large population of Presbyterians there.

2933. At present what do they do for schooling?—Most of them attend the National school, others don't go to school. They are taught by a private master, brought down from Limerick; two or three subscribe

together, and support him and send their children to him.

2934. Where is he established?—In the Square of Durrrow.

2935. How many pupils has he?—He has four boys from Dr. Dailly, and, I think, two others.

2936. You think they could conveniently come to Abbeyleix?—I think they would come there for a better education.

2937. Do you know what it costs to maintain their little school for themselves?—I do not.

2938. Are you speaking altogether of children that are within reach of Abbeyleix?—Within 4 miles of Durrrow.

2939. Do you think they would go 4 miles to school?—Most undoubtedly.

2940. Dr. TRAILL.—What would become of the teacher from Limerick?—I suppose he would have to go back; he has only come there within the last year.

Shalby S.
Swan.

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being or his representative, three members of the Church of Ireland, one member of the Nonconformist Church, and two members of the Roman Catholic Church, one Church of Ireland, one Nonconformist, and one Roman Catholic member to be selected triennially by donor and subscribers."

And so on. Four voted for the amendment and against it five. Mr. Disney put the original motion and declared it carried, no vote being taken because the few who were in the minority and disappeared in the meantime.—Providing as far as can be done to secure the original endowments for Protestants, I think no one has a right to object if you open up the school itself to members of other creeds.

1977. **Monsieur Mollat**.—The endowment was left for a Protestant master and the school has been at all times open to Catholics. You don't enlarge the scope of the endowment by extending it to Catholics, for the school has always been open to Catholics, only the endowment is to be applied to the payment of a Protestant master.

1978. **Professor DOUGHERTY**.—Would you consider it an adequate guarantee for Protestant interests to have a Protestant majority on the Board administering this endowment?—I would, but I also wish to put my opinion clearly, that in matters relating to the Roman Catholic religion, I think their representatives ought not to be hampered by the majority of another creed.

Rev. E. L. Eves examined, having been sworn on a previous occasion.

1985. **Lord Justice FitzGibbon**.—You are still Rector of Maryborough?—Yes.

1986. We have had resolutions sent us, first from the Protestant inhabitants of Maryborough, then from the Leighton Diocesan Council, and other parishes. What is your view of the possibility of maintaining the school where it is?—In this place I don't think there is the slightest chance, judging from the past, of this being maintained as an efficient school.

1988. If it be removed, would you tell us what objections you have to the proposal that the endowments should be available for both Abbeyfeix and Maryborough?—I think they would tell me against the other, and it would be impossible to have a really efficient school; the efficiency will depend to a certain extent on the number of children, and the one school will be pulling against the other.

1989. In what respect do you think a school at Maryborough would interfere with a school at Abbeyfeix?—I would expect that we would have, if not some day scholars, at least some boarders from Abbeyfeix, and if the school is to be an efficient school it should have some number of boarders.

1987. Have you any experience to lead you to believe that Abbeyfeix parents would send boarders to Maryborough?—They are sending children at present to Kingstown, and it would be better to send them to Maryborough if we had an efficient school there, and I think the whole of the endowment is necessary to have an efficient school. Allusion was made to the fact that in the north of Ireland efficient schools are working on much smaller endowments, but I think that is owing to their surroundings.

1988. Have you ever heard of the school that the Protestant shopkeepers of Boyle set up for themselves?—Perhaps there is a larger population there that affords food for a school than in Maryborough or Abbeyfeix.

1989. Do you think there would be any possibility of day scholars being carried from one place to another?—I don't think many would go; if they had a really good school at Abbeyfeix some might go.

1990. **Monsieur Mollat**.—How would they get?—By train.

1991. **Lord Justice FitzGibbon**.—What are your facilities at present in Maryborough for schooling?—

If the Commissioners could form some scheme by which the endowment should be secured against alienation from Protestants in the future.

1979. That is rather difficult.—Everything is difficult, more or less, but still there are means working in every day life; if you can secure that it shall not be alienated from Protestant purposes, I don't see any reason why members of other creeds should not be introduced into the governing body so as to secure the spiritual interests of their flocks.

1980. **Lord Justice FitzGibbon**.—Do you think the school, for the purposes of the Protestant pupils, would be the better of having it so arranged, that while the endowment went to a Protestant master and the governing body had a Protestant majority, the school should attract pupils of other persuasions?—Certainly.

1981. You don't consider your numbers so large that you could maintain an independent school for yourselves as efficiently as if it was attended by pupils of other denominations?—I have another theory about the assistant master. I would rather be taught Latin by an efficient Roman Catholic master who knew Latin than by a Protestant who did not.

1982. **Dr. TRANT**.—And I suppose the converse will obtain likewise?—Quite so. I think if you guard the spiritual interests of the different pupils it is quite workable, and the masters should be men of ability.

We have none; there is no school in which you can get an education above that of an ordinary national school.

1982. Is there any private teacher?—Not for boys, there is for girls; a young lady has come, about six or nine months ago, to the town.

1983. How many pupils has she got?—She is a Methodist young lady, and she has about fifteen pupils.

1984. What places of worship are there in Maryborough?—A Roman Catholic chapel, the Protestant church, and the Methodist.

1985. Is there any Presbyterian congregation there?—No, there was when I went first to the town, but we have a very small Presbyterian population, and the service was discontinued.

1986. What is your Protestant population?—It is very hard to make a distinction between the church and the Methodists; they blend like the colours of the rainbow, but the total church population is something over 750. Of course we do not intend it to be a strictly Protestant school; we would not accept that designation.

1987. How would you propose to work?—Our purpose would be to have an exclusively Protestant governing body. I think it is the only way in which the intention of the donor can be carried out, and, as between man and man, it is fair to leave it to the Protestants. If it were otherwise, and the late Mr. Preston were a Roman Catholic, and left it for calculating the Roman Catholic religion, I do trust that we would have the good grace not to interfere with it. I think it is necessary to avoid friction in the governing body, which would be most injurious to the school. In this country, where there are Boards consisting of Protestants and Roman Catholics, politics and religion are continually hauled in when they have nothing to say to the question in hand, and the interests concerned are mortified continually. Therefore, I say, that for the success of the school, it is absolutely necessary that there should be unanimity amongst the governing body; but we are quite prepared to accept what you have suggested in your draft scheme, something in the nature of a conscience clause. If there were a school established in Maryborough under Protestant management, as we suggest, of members of the Church and the Methodist com-

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Rev. Henry Ford, M.A.

Rev. E. L. Eves.

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munity, with a satisfactory conscience clause, and it was seen that the children got a good education, and that their religion was not interfered with, I think we would have a large number of Roman Catholics coming.

2998. Then you don't desire, in Maryborough any more than in Abbeyfeix, to have the pupils exclusively Protestant?—Certainly not.

2999. And you don't consider you are departing from the intention of the founder by having Catholic children educated at the cost of the endowment?—No.

3000. Monsignor MOLLOY.—Would Catholics go to such a school?—I see no reason why they should not; they came to this school, and the teacher here is a Protestant.

Judge O'BRYEN.—But there is no governing body.

3001. Monsignor MOLLOY.—You want to provide not only that the master shall be a Protestant but the governing body also?—I don't see how the governing body would interfere if they laid down fair rules, or how it would not be as safe for Roman Catholics to send their children to Maryborough as here. Roman Catholic children are sent here. It depends very much on the honour of the master whether they are interfered with, whereas in Maryborough we would be prepared to give them a guarantee that they would not be interfered with.

3002. It is one thing to say they ought not to have any objection, but would they?—I don't think they would have any objection, but it would depend very much on the attitude the Roman Catholic parish priest would take, and I question even if he opposed them—of course he would influence some.

3003. Would there be a sufficient number of Protestant pupils to support the school in Maryborough?—There would be very much more than here or in Abbeyfeix. We have some little advantages in the way of population, but I don't think it is entirely a question of population; and I would lay stress upon the class of people we have in Maryborough. I am sure Lord de Vaux, or gentlemen in his position, would not be likely to avail themselves of it, nor would rich county gentlemen; but we have in Maryborough a large population of business men, a great number of officials receiving limited incomes for discharging official duties, and I think we have that class that would avail themselves of such a school, and are entitled to such a school as we now speak of funding.

3004. How do you make out that you are entitled to this endowment which was left to Ballyroan?—I don't say we are entitled to it, I only say we have superior claims in the way that it would be more likely to be a successful school with us.

3005. The founder left the endowment for a school at Ballyroan; if transferred to Abbeyfeix it is still accessible to the people of Ballyroan. If it is transferred to Maryborough it would be no longer accessible to the people for whom it was left. How do you meet that difficulty?—I would meet it by reminding you of the determination of the Commissioners appointed fifteen years ago to report on the endowed schools. That Commission, while reporting, as they were bound to do, unfavourably of the work done here, and recommending a transfer, distinctly recommended that the school should be removed to Maryborough, that being—I think I am almost quoting their words—the nearest large town to the estate from which the money was derived, that is the Cappaghoughlin estate, the Mountcash estate.

Lord Justice FRYGGEON.—Cappaghoughlin is practically out of the range of the education in both cases.

3006. Professor DOUGHERTY.—When framing your objections you had in your mind the idea of drawing pupils from a district outside Maryborough?—We had, from the large towns adjoining, and we think we are far superior to Abbeyfeix in that we have

direct railway communication with Mountmellick and Portlannington.

3007. How far are they distant from Maryborough?—Mountmellick is five miles, and Portlannington is about ten.

3008. You propose to include the Presbyterian Minister of Mountmellick in your governing body?—Certainly, at the same time I don't think our local authority was drawn up with very much judgment, there are members of the Methodist community here who, I think, are ready to state that it was not their intention to have such precedence among the *ex-officio* members as is given to them, and it surprised some of us when we saw it in print; also there are some, if we had the drawing up of it again, that we would wish to put on the governing body, I would mention Dr. Jacob, who, certainly from the position he holds in Maryborough and the interest he takes in this matter, ought to be on the governing body.

3009. Lord Justice FRYGGEON.—It is a very curious governing body, the Bishop and the Rector of Maryborough represent the Church, there is one Presbyterian minister and then you have the Methodist chairman of district, the Methodist minister of Maryborough, the Methodist district steward, and the Methodist chapel steward?—I think that was caused by having the circuit steward and the chapel steward given by their official designation, and put on the *ex-officio* list when it was intended that they should be put on the ordinary list.

3010. Professor DOUGHERTY.—But I suppose you intend to give the other Protestant denominations of the district, from whom pupils are likely to be drawn, a fair representation?—Certainly.

3011. Monsignor MOLLOY.—You state it would be disastrous to have two schools, one at Maryborough and the other at Abbeyfeix?—Yes.

3012. Then in case the whole endowment was not given to Maryborough, would you be prepared to give the whole to Abbeyfeix?—I am not prepared to say that. We go in for the whole.

3013. If you don't get the whole would you go in for half?—That is a question I would like a little time to answer.

3014. Lord Justice FRYGGEON.—I don't see any way of taking away the whole benefit of this endowment from Ballyroan, and practically the six miles extra distance from Maryborough makes that difference, but on the other hand I think there should be no difficulty if you could keep up two schools in allowing a share to Maryborough. But if your calculations are correct I think the whole should go to Abbeyfeix. What objection have you to let the Abbeyfeix people start a school, and have a proportion of the endowment according to the work done?—If we establish a boys and girls school, I think, with half the endowment, it will be a miserable attempt in both places.

3015. Is it, if you think of supporting the school by the endowment?—We don't anticipate supporting it entirely by the endowment, but I think it would require a great deal more.

3016. Monsignor MOLLOY.—Suppose you cannot get the whole, which would you rather get—what is given to you in the draft scheme, a chance of getting half or have the whole transferred to Abbeyfeix?—I think my interest would lead me to answer that question by saying that half a loaf is better than no bread.

3017. But you told us that would be disastrous?—I think it would be to the welfare of the school, that it would be much more efficient if it got the whole endowment.

3018. Then your opinion is that it is better to have only one school whether in Abbeyfeix or Maryborough?—Yes.

3019. Lord Justice FRYGGEON.—What number of pupils should you anticipate, supposing your most rosy views of Maryborough and most gloomy views of

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Abbeyleix were realised?—I think certainly we ought to have over fifty from the immediate neighbourhood, Roman Catholics and Protestants, and I would not be surprised, if established successfully, if we had as many more.

3020. Professor DOUGHERTY.—How many Roman Catholics do you calculate upon getting?—About twenty.

3021. Monsignor MOLLAY.—Do you know any school in Ireland under exclusively Protestant management in which there are twenty Catholic pupils?—I am unacquainted with the schools of Ireland.

3022. Then the opinion you have expressed is not founded upon any practical knowledge of the subject?—It is founded on the working of the school here for one thing, Roman Catholics and Protestants have always attended this school while entirely under Protestant teachers, and I cannot see why it would not be equally safe, and even safer, for Roman Catholic children to attend school under a Protestant board that would lay down strict rules, and would be subject to the rules that you lay down, than to attend a school where they depend on the free will of the teacher.

3023. Dr. TRAILL.—The proportions of twenty Roman Catholics is much less than the proportion that exists here?—It is, I would expect more but I put that down safely.

3024. Lord Justice FRINGON.—You anticipate fifty pupils, are those pupils to pay school fees?—Certainly.

3025. As about what rate?—More than was mentioned here. I think they would be prepared to pay £10 a year.

3026. Then you are speaking of fifty pupils who would pay £10?—I think it is possible they would. In addition to the paying pupils, there ought to be scholarships established.

3027. Do you expect that you would have an average of fifty pupils paying £3 each?—I suppose, with a certain number of scholarships, it would average about £3.

3028. Then your school income from fees would be £400 a year; this endowment altogether is only £100, and the gross income of your school would be £500. If they had a school at Abbeyleix with only twenty-five pupils, under the scheme they would get only one-third of the endowment £56, you would get £134, and, reduced to unsympathetic arithmetic, your evidence is that the existence of the school would depend on the difference between £534 and £530 a year. Commanda was all right in her day, but do you believe that the existence of the school in Maryborough depends on £56 a year off £500?—Perhaps the Abbeyleix school besides taking £56 would be taking our pupils too.

3029. If it takes the pupils it will be giving them education, which it is our object to supply. I am afraid you don't realize, in the endowment to get the whole of this endowment, that we should look to the interests of education in the whole district in the first instance?—I think if you give the whole to one, you will have a better school, a school that will be a credit to the county, but if you give it between the two you will have two schools struggling for existence.

3030. But competition may tend to vitality. If I saw that these schools would cut each other's throats I would go with you. There is some evidence, having regard to the railway arrangements, that an Abbeyleix school might take some pupils from Maryborough, but I don't see any evidence that a school at Maryborough would serve Abbeyleix children, except as boarders. Were there ever at any time any number of boarders at Parturington from Maryborough?—No, Parturington was a large school, but the impression in Maryborough was that it was not a good school. The arrangements were very bountiful, but they exceeded the education I think.

3031. What have you done in Maryborough by way of school subscription?—Our subscriptions amount to about £750 (*list produced*).

3032. Did you make out a list of possible pupils?—I did not.

3033. Judge O'BRIEN.—You reside in the town, and I suppose you know the inhabitants?—I have an accurate knowledge of the Protestant population, and a general knowledge of the whole population.

3034. Lord Justice FRINGON.—In this subscription list are they all Protestants?—Everyone; we did not ask any others.

3035. Judge O'BRIEN.—You did not ask any subscriptions from Catholics, as it was assumed the basis of this body would be exclusively Protestant?—No, I am sure we would have got them had we proposed to open the government of the school to them.

3036. Monsignor MOLLAY.—I suppose this list has been prepared subject to the condition of a portion of the endowment being given?—Of the whole of it.

3037. Have you any premises of subscriptions if you don't get the whole, but get only part of it?—No, we would have to go to each individual, and if only half came, each person would be free from their promise.

3038. Dr. TRAILL.—Was it not understood that you were to get £500 as a building grant from the endowment irrespective of what you would get afterwards?—The subscription is on the basis that we should get the whole endowment, and all that contributed had not an accurate knowledge of the endowment.

Lord Justice FRINGON.—You head your list—

"The undersigned sums of money are to be returned to the contributing parties in case the school and its entire endowment is not reserved to Maryborough."

3039. Professor DOUGHERTY.—Have these subscriptions been paid?—No, but all or most have put down their own names.

3040. Had you any discussion as to the nature of the building you propose to erect in Maryborough?—None whatever, we considered what sites would be suitable.

3041. Was it your idea to put up large buildings suitable for a boarding school?—Certainly, if we got the whole of the endowment.

3042. Have you gone into the question of the cost of erecting such buildings?—We did not go into details of the cost; that would be counting our chickens before they are hatched.

3043. Monsignor MOLLAY.—Were the subscriptions proposed in Abbeyleix subject to the condition of Abbeyleix getting the whole of the endowment?—

Lord de Fera.—No.

Judge O'BRIEN (*to witness*).—Did the fact of your seeking subscriptions from the Protestant community only express the real measure existing in your own mind of the extent to which Catholics would use this school if governed by an exclusively Protestant body. You have gone to the Protestants alone, is not that the strongest evidence of what you think would be the effect of having an exclusively Protestant body governing?—Certainly not. My feeling was that it would not be fair to ask the Roman Catholics to contribute unless we could offer them a seat on the governing body, but our intention was, from the first, to place the school under certain restrictions and safeguards, and afterwards to ask them to partake of the benefits of it.

3044. Lord Justice FRINGON.—I don't understand that we are entirely free, supposing we thought Maryborough a suitable place for a school—and for myself I must say it seems a very good place.

"In framing schemes it is the duty of the Commissioners with respect alike to the constitution of the governing body, and the educational provision to have regard to the spirit of the founder's intention, and in every scheme which modified any privileges or educational advantages to which

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a particular class of persons is entitled, whether as inhabitants of a particular area or otherwise, they shall have regard to the educational interests of such class of persons."

It strikes me that the inhabitants of Ballyroan and its neighbourhood come under that description, and if we remove the school, we shall be modifying their educational advantages, and I don't see how we can take it to another place merely because it is a good place for a school, if doing so would deprive them of it altogether. I see how we can extend it so as to let Maryborough come, but I don't see how we can take Ballyroan out, and that is the point in favour of Abbeyfeix. Abbeyfeix children come here, and it follows that Ballyroan children could go to Abbeyfeix. Do you think it appreciably possible for Ballyroan children to go to Maryborough? If I were living here myself, and there was a good school at Maryborough, and I had sons, the distance would not prevent me employing a vehicle and sending them in.

Very Rev. A. PRELLE, S.F., examined, having been sworn on a previous occasion.

Very Rev. A.
Prelle, S.F.

In reference to Mr. Evan's evidence about the Catholics, I can confidently say that if the school goes to Maryborough under an exclusively Protestant government and Protestant teachers, no Catholic pupils will go there. I will forbid them myself with all my power, and I think the Bishop and the laws of the Church will back me up. He hinted perhaps that even with that pressure some Catholics might go. I dare say in these times there might, but I am taking away all excuse from the Catholics for I intend opening a class for intermediate education at the National school, and another at the Christian Brothers' schools. The Christian Brothers have had at all times a class for intermediate education, and I am preparing for opening an intermediate class at the National school; the teachers are qualified, and I have made all the arrangements to open a class on the 1st July, so I will take the excuse completely from any Catholic, and I will forbid them, and I can say that there won't be three Catholic children at it, if you bring it there with an exclusively Protestant management and teaching. Following that idea further, I think under that Protestant head it will be a failure. The Protestant Rector, on the former occasion, swore he could not get the children of the higher classes to mix with the humbler classes in their parochial school, and I think he will find the same difficulty with a classical school. The two classes of children will not unite in that classical school for the very same reasons, and if it is confined to the higher classes of Protestants in Maryborough, it will be decidedly a failure. I may remind you that the history of classical schools is variable. You mentioned a school at Olsand, a large town, good teachers, fine buildings, no absolute whistover, and yet the Commissioners had to send down their agent and close it the other day for want of attendance. I was speaking to Mr. Franks, the agent, and he could not account for it, and it would be a failure in Maryborough also, if confined to one body.

3049. Lord Justice FRANKLIN.—Would putting the school under a mixed body remove any of your difficulties?—It would remove some of them, and if the Protestants co-operate with me, as Lord de Vesci has done with the Parish Priest of Abbeyfeix, it might be worked successfully.

3050. We know of no instance in which it has been successful?—That may be, I don't owe a twopenny ticket whether it comes to Maryborough or not, because I will provide for my own children.

3051. Judge O'BRIEN.—But you say it would mitigate the difficulty?—Yes, since I want to Maryborough, seven years ago, the Catholics of Maryborough have spent about £8,000 on educational works in the town of Maryborough, without going outside

3045. Monsignor MOLLOY.—Would it not add very much to the difficulty of a shop-keeper or farmer at Ballyroan?—I think people who have no vehicle are hardly in a position to avail of an intermediate school.

3046. Judge O'BRIEN.—Don't be so certain of that. I could tell you of people who have walked to school, and who would not be satisfied to accept the education given in a National school.

3047. Monsignor MOLLOY.—It would be rather a strong thing to say that people who cannot keep a vehicle are not to get the benefit of the school?—I don't think the law says it was left exclusively for the people of Ballyroan.

3048. Lord Justice FRANKLIN.—Ballyroan was on the main coach road in the founder's time, and seems at that time to have been a considerable place?—Certainly, and that was the reason.

It, and with all respect to the Protestant gentlemen, I don't think they spent a £5 note in the same time. The only school they have, on the Stradbally road, I would be ashamed to have in the remotest district of my parish, the windows are falling out, and it is out of repair, and all under the same gentlemen who are now building castles in the air, and are to have exclusive control of this endowment.

3049. Dr. TRAILL.—If you had this mixed Board, would you still go on with your schools?—I have not yet made up my mind, I am biding my time. If I saw it was coming to Maryborough I might not perhaps establish my intermediate class. An intermediate class for half a dozen boys will interfere with the general efficiency of the National school, and perhaps if there was a school established under such conditions that a Catholic could go there I might not open my school.

3050. What are the conditions you would think necessary?—The conditions laid down by Lord de Vesci, and partially sanctioned by Father Lalor would come near what I would say. Mixed education is only tolerated by the Church in the absence of something better, and under the scheme propounded at Abbeyfeix, Father Lalor thought he might allow some of his children to go there.

3051. Do I understand that either in Abbeyfeix or Maryborough a school established on this mixed principle would be always liable in the future to an order destroying it, as far as the Roman Catholics are concerned?—We cannot calculate on the future.

3052. Lord Justice FRANKLIN.—If the Roman Catholics found means to set up a school of their own, the first thing they would naturally do would be to take their pupils away?—Decidedly.

3053. Dr. TRAILL.—You say at Maryborough you will be in a position to have an independent school of your own whether this goes on or not?—If I like. There are some inconveniences in opening this class in connection with my school, and I should weigh all those when your school would come there, and see whether it would be better for me, under the circumstances, to allow the children to go to your school, safeguarded as they would be.

3054. Would it not be a great risk to sink £1,000 on a site and building a school if there is a liability afterwards to lose the pupils?—You cannot provide metaphysically for the future.

3055. Judge O'BRIEN.—Do you insist, as a proposition of your own, that if this school from its constitution has not the support of the Catholic body at Maryborough, or if you tap it by establishing a school of your own, it will be inevitably and certainly a failure?—I think so. Up to this there has been no effort in Maryborough to warrant the expectation

that they will do all these things they are now saying they will do; there is no school belonging to the whole Protestant body, except a National school, on the Studdell-road, with a female teacher.

3059. What number of pupils have they there?—From what I have heard and seen of the children coming out, I believe there are not more than forty children, mixed, boys and girls of all ages, in average daily attendance.

3060. Lord Justice FRYGIMSON (to Rev. Mr. Fox).—Are you the manager of the school on the Studdell-road, at Maryborough?—I am.

3061. Is it under the National Board?—It is.

3062. What is the number on roll?—Seventy-six.

3063. The average attendance will be from fifty to sixty?—Yes.

3064. What is your teacher?—Miss Smith; she is first of second class.

3065. You have not got an average for an assistant?—I am applying for a mistress. One remark the last witness has made, with regard to the state of the school, is accounted for by the fact that I have applied for money from the Board to build a school in another part of the town, which I think would be more desirable; meanwhile I am trying to keep the school together.

3066. How long has the school been under the Board?—My predecessor put it under the Board. It is sixteen years since I went there—it is about twenty years a National school I would say; but that is the reason why the school is in its present unsatisfactory state, and I think the Commission has an example now of the satisfactory way a mixed board would work.

Rev. Mr. FOLEY.—I don't know that I have said anything to warrant that observation.

Judge O'BRIEN.—No; it is entirely, in my opinion, as unjustifiable observation.

3067. Dr. TRAILL (to witness).—Do you agree with this, which is stated by Father Lalor?—

"It should be reflected that the Catholic Bishops always protested against mixed education; they went in, as far as possible, for denominational education, and although they availed themselves of the National Board system, it was not because they approved of it, they simply yielded to it. Now, if he accepted the position of an *ex officio* member of the school authority, it would be tantamount to an approval of the system, and he was afraid that his Bishop would be slow in granting him permission to act."

The first part of Father Lalor's evidence is perfectly correct; as a matter of fact, Catholic Bishops have allowed clergymen to act on boards of the kind.

3068. But I want to know whether in case a mixed board is established at Maryborough or Abbeyleix we are not liable to this withdrawal order at any moment?—You are decidedly liable.

3069. Lord Justice FRYGIMSON.—But if the withdrawal of the Roman Catholics would put an end to the school, it must follow that the Protestants cannot keep up a school for themselves. Is Dr. Trill's statement that they are not to have a school at all?—I would not be for depriving Protestants of all schools because Dr. Trill says they could not keep them up. Ballyroan has the first right to this school, it has been here for 200 years; it fell through on the last occasion for causes that could not be laid at the people's door; nobody liked to say a hard word about the late teacher, but there was no supervision over him from the day he went in. When I was a pupil here it was a very flourishing school, with sixteen boarders and twenty day boys, and there is scarcely a decent family in the neighbourhood that have not derived great advantages from it. I am the son of a middle class farmer, with 100 acres, who might not have been able to afford the education elsewhere. I had two uncles, one at the father's side and the other at the mother's side, clergymen, under similar

circumstances, and I had a first cousin, who was a dispensary doctor, who got his early education here, and would not be able to pay for it anywhere else.

3070. MESSINOR MESSINOR.—If the whole endowment had been moved to Maryborough and a school established there, would these pupils have been deprived of the benefit of the endowment?—Certainly.

3071. Judge O'BRIEN.—Do you consider that the advantages you want to preserve at Ballyroan would be more served by having the school at Abbeyleix?—Yes; if you change it from Ballyroan, the distance is shorter and the intercourse is great, and it is the same parish.

3072. Dr. TRAILL.—You and your friends are a fine example of a Protestant school, it does not seem to have done you any harm at all.

Witness.—Do you know the answer that Dr. Cullen gave to a Committee of the House of Commons upon that subject?—It was that "Daniel was saved in the Lions' Den." I don't want to go so far as that. We were rising out of ages of persecution and had no proper schools. There are now different times and circumstances, and one single master, or two masters here, without any Protestant controlling body, having no motive or instructions to interfere with the religion of the children were quite a different thing from what you are going to establish in Maryborough.

3073. Lord Justice FRYGIMSON.—Let me call your attention to what you said when we were here before, in July, 1888:—

"Q. 9938. What is your idea about utilizing this endowment?—If there was any chance of utilizing the endowment in Ballyroan, I would not interfere with it, so that it is only in the event of your recommending the transfer of the endowment, that I would venture to suggest Maryborough."

How do you reconcile that with your present view?—I was assuming that if it came to Maryborough it would come on conditions that Catholics as well as Protestants could avail themselves of it.

3074. Your evidence is that Protestants could not keep up an exclusive school in Maryborough, but a mixed school could be kept up in Abbeyleix. Do you really think there is any possibility of making the school useful to a substantial number of pupils where it is?—I agree with Mr. McMahon's evidence, if the school was here with one or two competent teachers in whom the people had confidence, you would have an average attendance of about 30 pupils, taken from an area of three or four miles round, farmers' and shopkeepers' sons.

3075. Of those 20 pupils the evidence would go to show that only a small proportion, say ten, would be from Ballyroan itself, and the other ten would be brought in from round about. If Ballyroan is the object of the testator's bounty, the ten outside pupils are not to be regarded, and if you remove the school to Abbeyleix, apparently the Ballyroan boys will still get some benefit from it, and you will bring in a larger number of outside pupils?—You will have a larger school in Abbeyleix, I think, but not very much larger. I think the claims of the Ballyroan people ought not to be lightly interfered with.

3076. Judge O'BRIEN.—Do you believe you could obtain a subscription of £400 or £500 in Ballyroan?—I don't know, but they have a suitable building here, and don't want to build as at Maryborough or Abbeyleix. Some eminent men were educated here, the famous Jacky Barrett, Vice-Provost of Trinity College, and Sir Joseph Barrington. There is no generation which did not produce some eminent men out of the place. The State has already interfered with the will of the donor by abolishing the trustees, it is now going further to interfere by removing the school from Ballyroan, and taking the nomination of the teacher out of the Presson family, why stick so

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Foley, M.P.

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close to this question of the Protestants, when you are destroying the other provisions, and particularly when it was impossible for the donor, at the time, to give the money in any other way. If the Sovereign of the Realm gave it, you would divide it between Catholics and Protestants, as you have done in the North.

3077. That was a public fund?—There is not very much difference here, he could only leave it to Protestant trustees, and he placed the school in a Catholic district where the Catholics were ten to one.

3078. Dr. TRAILL.—But he said it was for the better maintaining and promoting of the Protestant religion?—There were Catholic teachers in this school

from time to time, there were three teachers here at one time and one was a Catholic. I have to apologise for talking so hardly about my fellow-Protestants in Maryborough, but I do so because they gave us no hope of co-operating with them, shut us out, and acted, I thought, in a narrow Protestant spirit.

3079. Lord Justice FRYGEMAN.—You would have been as reasonable as Father Lator if you were treated in the same way?—Certainly.

Mr. McMAHON.—All the Protestants of the district are unanimously in favour of having the school left here.

HONORABLE TUPPIN SWORN and examined.

Honor.
Tuppin.

3080. Lord Justice FRYGEMAN.—You have been taking an interest in this matter in Maryborough?—Yes.

3081. You are a nephew of the late Mr. Thomas Turpin who proposed to give a site for a school?—Yes.

3082. What have you done towards providing a school?—We had in contemplation, the building of a school, and for that purpose got together a fund of £700 or more, which I think quite capable of being supplemented should such become necessary. We had in contemplation a day and boarding school, built on a progressive plan, so that if it increased, as we expected it would, it could be easily added to in the future, at the same time commencing on a fairly substantial basis so as to accommodate about 50 boys.

3083. Do you mean to build a boarding school for 50?—No; but on such a plan that the accommodation for boarders might hereafter, if necessary, be increased to 50. As regards the amount of money, we have suggested an amendment to the draft scheme that we hoped the Commissioners would advance £1,000 if the locality found £1,000. That would be hardly sufficient for a boarding school such as I have stated, but I think it could be readily supplemented because Maryborough has taken a tremendous interest in the project.

3084. Judge O'BRYEN.—£2,000 would not be sufficient?—Not to purchase the site and build a school, but a great many have intimated their intention of assisting by drawing stone and building material free.

3085. What site would you suggest?—The general opinion is that the second site you visited this morning would be the more suitable.

3086. Monsignor MULLOY.—The second site we visited was further from the railway station but the same distance from the town?—I am instructed that you were shown the wrong site in the first instance.

3087. Dr. TRAILL.—We saw a site at the mill?—That was not the one suggested as most suitable.

3088. Professor DOUGHERTY.—Was not that a possible site?—The amount of land is scarcely sufficient.

Judge O'BRYEN.—There is a greater objection that the sewage of the town is carried through it.

3089. Lord Justice FRYGEMAN.—You can get a site at all events?—Yes.

3090. Then you would have to build a school?—Yes.

3091. What is your estimate of the number of pupils you would be likely to have from Maryborough?—I have no doubt we could get forty Protestant boys in Maryborough. I have a list here, and I have been informed that there are ten Roman Catholic children whose parents have intimated their intention of sending them to such a school, under the management we propose. Mr. John Higwell, an extensive merchant, has three sons, one of them, at present, he has to send to Middleton College. Mr. O'Hara has eight children, and two of his sons are at Kingstown; the others, if they have not a school suitable in the locality, will follow their brothers. Mr. William Jessop has four sons and also daughters. I myself have one son, who is about six years of age,

Mr. Allen, of the Bank of Ireland, has three boys at present in Maryborough, and being educated privately in Maryborough.

3092. Judge O'BRYEN.—Is there a teacher in Maryborough?—There is an old man past his work, they go to him rather than remain idle. He attends to private tuition. Mr. Pigott has three boys living a quarter of half a mile from Maryborough; they are at present attending this teacher. Mr. McClure has one child; Mr. Marshall, one; Mr. Holden, Quarter-Master of the Militia, has two boys; Mr. Snowden, Sergeant of the Militia, two; Mr. John Thompson, outside Maryborough, has two boys. Mr. Bulkeley, governor of H.M. prison, has two boys; he had them at Middleton, and he has sent them to England. When Mr. Hughes says that the population of Maryborough includes those of the prison he is wrong; it is outside the town proper. Mr. Meredith has one son; Dr. Harbell, three; Mr. Vasson, one; Mr. Alderson, two; Mr. Holmes, County Inspector, five sons. There are several others whom I could also name as being available. I should regard it as a most unfortunate circumstance, that it should be an exclusively Protestant school as regards its attendance. I know it is the general opinion of us Protestants, and our intention from the first (and as to this we wish that there should be no mistake) that it should be open, as regards attendance, to Roman Catholics and persons of all other denominations, but the intention of the donor being for the better promotion of the Protestant religion, we contend that the government should be exclusively Protestant—that is the view we take of it.

3093. Lord Justice FRYGEMAN.—Do you know that under the draft scheme it is open to you to have an entirely Protestant governing body if you think proper?—That is what we propose.

3094. In the same way, in Abbeyville, the body would form itself, and could take in representatives of other denominations, but the scheme never proposed to look in on the Protestant character of the endowment. Do I understand you to be of opinion that, however the government of the school may be managed, the trustees of the school will be promoted by having it attended by pupils of all denominations?—I think, looking at it numerically, it will.

3095. Judge O'BRYEN.—But do you believe that will be attained with an exclusively Protestant governing body?—I do.

3096. Monsignor MULLOY.—But perhaps a more practical question will be, do you think if the pupils be exclusively Protestant, the Protestant population could maintain it?—It will be self-maintaining if we are driven to it, but I hope that won't be the case.

3097. Your view is that under an exclusively Protestant board it can be made a successful school?—Yes.

3098. And you have constituted an exclusively Protestant board with this scheme before you. Is there anything in this scheme you object to?—There was a question asked, would not half the endowment be sufficient? but you must recollect the school has to be built.

3099. Lord Justice FRYGEMAN.—If either school was successful and the other was small, two-thirds

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would go to the big school!—The Poochoo School, in Kilkenny, is very near Burren, that is not more than ten miles from Kilkenny, and you will not alone be affecting Maryborough but you may seriously affect the Poochoo College likewise.

3100. It has no day boys!—I don't know whether Abbeylex proposes boarders.

3101. The Poochoo pupils did not even come out from Kilkenny according to my recollection!—Fettersham school is in a maribund state as well.

3102. Monsignor MOLLAY.—Would it be injured by having a school at Maryborough?—Of course. Since Dr. Wall left, it has had a spasmodic existence. We don't rely so much on the district round, as on the large towns that will be benefited by the removal of this school to Maryborough, we have Mountmellick.

3103. Judge O'BRIEN.—How far is it by train?—About 4½ miles.

3104. Lord Justice FRYGIMSON.—But what rights have we to take this Preston endowment from Ballyroan to Maryborough because Mountmellick will benefit, if we are not prepared to take it to Bray or Kingstown for the same reason?—If moving it to Maryborough will take it altogether away from Ballyroan, it follows that if we take it from Ballyroan, we ought to take it to wherever it will do most good, wherever that is!—You ought to treat it as an endowment that has entirely failed. When it was established Ballyroan was a much more important place than now, the coaches ran through it, I don't know whether Abbeylex ever existed at that time. Lately building has been increased largely in Maryborough and there is not an unrented house to be had in it at present for any money.

3105. Monsignor MOLLAY.—We regard the school as having practically failed at Ballyroan, and therefore it should be moved, but in moving it we are bound to protect the interest of the area for which the endowment was intended and we protect those interests better by removing it to Abbeylex than to Maryborough!—I cannot controvert the fact that Abbeylex is nearer, but I don't think the difference would permit people who possess a house and car from sending their children to Maryborough.

3106. Lord Justice FRYGIMSON.—The Abbeylex children at this moment are attending school in this place, and therefore the converse journey is possible, and the Ballyroan children can attend at Abbeylex, but there are no children coming here from Maryborough!—You have two from Abbeylex and two from the Maryborough side, so they are pretty well balanced.

3107. If the whole of this endowment was necessary to the establishment of a school in Abbeylex, we ought to treat it as nearest to Ballyroan, but I believe the Abbeylex school could be fairly established with half or two-thirds of the endowment, and I don't like shutting out Maryborough which is the county town, I give you the benefit of treating the whole Queen's County as being in a case in the founder's contemplation!—Our view was to establish a first-class school, a boarding and a day school, a classical and a mathematical school.

3108. Do you agree that could not be done here!—Indeed, I do.

3109. Monsignor MOLLAY.—Could you do that in Maryborough with half the endowment?—Certainly we would, if we could not get more, and I have no doubt it would be a success.

3110. Lord Justice FRYGIMSON.—Even if there was a working school in Abbeylex, the scheme would give two-thirds of the endowment if your school was twice the size of theirs, and, in the survival of the fittest, if their school failed, you would get the whole of the endowment.

3111. Monsignor MOLLAY.—What is it proposed to pay for the site in Maryborough?—No sum was mentioned in the letter written by my late uncle, that will depend upon the number of acres required. The general opinion was that the site available was larger than necessary, if the entire were taken it would cost £500.

3112. What do you propose to lay out on the buildings in the first instance?—It would cost £2,000 to build and equip a proper school with furniture and fittings.

3113. You would not contemplate building a large boarding school until you first found whether boarders would come!—We should build it in such a form that we could add to it afterwards, and we also expect that there will be a certain class of semi-boarders who will come on Monday morning and go home on Saturday night.

3114. Then you propose having a master's residences!—It would certainly be necessary with boarders.

3115. Could that be done with £1,500!—I said £2,000.

3116. Lord Justice FRYGIMSON.—Your evidence amounts to this, that with £500 for site, £2,500 for building, and something for trimmings, it would take £3,000 to start your school!—We thank the Commissioners might amend their scheme by advancing a larger sum.

3117. Monsignor MOLLAY.—Would you be prepared to advance a larger sum yourselves!—I think so, £1 for £1. I don't think, as regards Abbeylex's claims, that the £500 Friendly Society money is properly available, from what Lord de Vesci said. As regards the governing body, where you have the masters Protestants, the local governing body, under proper rules fixed by the Commissioners with a proper conscience clause, would have very little to say to it, except to see that the conscience clause was observed. And in Abbeylex I know there is a good deal of dissent with regard to this mixed governing board; one man told me that one penny of his money it would never get under its proposed constitution.

3118. Professor DUBOIS.—In some of our schemes we have made provision for the representation of the parents of pupils in attendance at the school!—There may be an objection to that. It would open and possibly defeat a principle of the scheme as to which Maryborough has been united on with regard to the managing body.

3119. Monsignor MOLLAY.—It occurs to me that the scheme upon which you have been going in Maryborough is rather ambitious and expensive—to purchase a new site and build a new structure—it would be difficult to do that if the endowment was divided between Maryborough and Abbeylex. Do you think if the people of Maryborough made up their minds that they were to get only portion of the endowment, they would come forward with a scheme less ambitious and costly!—I think it would come to that, they would not be likely to go to the same expense. I have no doubt that a school, even if attended exclusively by Protestants, would succeed in Maryborough; but I refuse to look at it in that view. There is no present building existing that would be suitable, even with alteration; we must have it close to the railway station.

3120. Would it not be better to build on a smaller area and rent a playground?—You say we shall only pay a rent of £10; we have asked you to amend that and make it £30.

3121. Lord Justice FRYGIMSON.—The provision in the scheme was to prevent expenditure in building on a site for which a large rent was paid. There is no objection to your taking a house for any period at any rent you like!—There are no buildings near enough to the town that would be at all suitable.

3122. Monsignor MOLLAY.—Was there not a successful school some years ago in Maryborough!—Mr. Martin's private school, established 70 years ago, turned out some good men.

3123. Judge O'BRIEN.—I believe you will find great difficulty in obtaining any ground in the town of Maryborough; I remember that was stated at the Privy Council!—There is a tremendous demand for land, and Maryborough is going ahead far more in proportion than any town in the county; there is no house for a new comers. We are in the townland of Maryborough in the site we propose.

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Dr. JACOB examined, having been sworn on a previous occasion.

Dr. Jacob.

3124. May I take the liberty, before proceeding with my evidence, to say that, personally, and so far as I have heard in every direction, I am taken by surprise at the idea that there was an intention to exclude Roman Catholics. I never heard of it until to-day.

3125. Lord Justice FRANKLIN.—What is your idea about the management of the school and its prospects, if it is established at Maryborough?—I can only speak as a layman, a parent of educated children, and I believe that if there is to be a successful school, the better the foundation of that school, the more prospect there is of success. That is not intended as a point of rivalry with Abbeyfeix. I would suppose that the whole endowment would be more likely to lead to a successful school than half the endowment; but I would concur with two of the witnesses in the idea that it would be better for us to take anything we could get than be without a school that I know is very much wanted indeed.

3126. Judge O'BRIEN.—Have you formed any opinion as to the constitution of the governing body?—I am one of those who signed the statement placed before your Commission, though I did not draft it, and I concur in that for the reasons set out.

3127. Lord Justice FRANKLIN.—In that paper you propose to form a body, the first members of which include Lord de Vesci, Colonel Conby, Mr. Kemmis, and the Rev. Mr. Torrens of Portarlino. In fact, you propose to represent nearly the whole Queen's County?—Lord de Vesci was put on, for it was assumed Abbeyfeix would be likely to avail itself usefully of Maryborough as a centre. There will be no dissentient voice as to Lord de Vesci's right.

3128. Your proposed ex-officio members were the Bishop and the Rector, one Presbyterian and four Methodists. The ordinary members are Lord de Vesci, who thinks that with half the endowment he could keep up a good school at Abbeyfeix, and would rather try to do so than co-operate with a school at Maryborough, Colonel Conby, I believe, has a distance?—Stradbally is the same distance as Ballyroan from Maryborough.

3129. Then you name Mr. Thomas Kemmis of Sharn, Rev. Joseph Torrens, Mr. M. R. Gassan, Mr. Turpin, and Mr. Robert M. Smith?—That list was prepared by different persons, and was an imperfect list, for instance, it was stated to you that I was considered worthy of a place on it, a place I had not sought, nor did I in the least feel hurt at being

omitted, for my heart is with the undertaking. My object is to have a thoroughly successful school in the Queen's County, and I would recognise Abbeyfeix as a link in the chain. I have no desire to withdraw from it anything it is entitled to.

3130. If we were to try to form a governing body at Maryborough to administer the whole or half the endowment, how should we set about forming it? You told Judge O'Brien you concurred in this paper, but when we come to read it there are only four names on it from Maryborough, all the rest are gathered from the four winds?—The general list makes a very effective and influential body.

3131. Of the seven ex-officio members only two are from Maryborough, the Rector and the Methodist Minister, and the only ordinary members from Maryborough are Mr. Gassan and Mr. Turpin.

3131A. Monsignor MOLLON.—Perhaps you would be disposed to change that list, if it was once settled that Maryborough was only to get a part of the endowment?

—I presume I would. May I say that I was not prepared for the question of the number of pupils cropping up to-day; I gave evidence on that subject on the last occasion. I went over each district and considered it, and I arrived at about fifty pupils of the Protestant denominations, and concluding that it would be a mixed school, about sixty Roman Catholics—total 110. That was an exhaustive list, but I thought any one member of that might be reasonably expected to be a pupil; that was confined to males. Since then, I understand, it will be to some extent open to females, and the number will be in that way largely increased. In Mr. Turpin's impromptu list, while he included females in some families he excluded them in others, and his list might have been very much increased.

3132. You would be in favour of getting a large grant for buildings than was proposed to be given in the scheme?—My sympathies are with a great central school that would feed the district, Rev. Mr. Torrens's district, which is four miles from Maryborough, contains material that I have not enumerated. Mountmellick is within easy access, and I have no doubt would supply sufficient material. As to railway facilities between Maryborough and Abbeyfeix, I think you ought to dismiss that; that timetable during its short life of twenty years has been many times altered, and I dare say will be many times again.

Rev. JOSEPH TORRENS sworn and examined.

Rev. Joseph Torrens

3133. Lord Justice FRANKLIN.—You reside at Coobanagher?—Yes, that is the name of the parish, and it is equally distant from Maryborough and Portarlino.

3134. What is your distance from Maryborough?—About five miles.

3135. Have you thought about the utilization of this endowment?—Yes, for the last two or three months I have been thinking of it, and the conclusion which I personally came to was that expressed in the resolution passed by my Vestry, and appearing on these objections and amendments, namely, that the most useful way of utilizing it would be to have one good school at a convenient centre in the county, and that Maryborough would be, all things considered, the most convenient centre for the county at large. Also that the governing body should be, in conformity with the will of the original donor, exclusively Protestant, not that the benefits of it should be confined to Protestants, but that they should be extended to every one who wished to avail themselves of the school under a strict conscience clause.

3136. What number of children are there in your neighbourhood that want intermediate education?—

I should think about five or six boys would be available from the parish.

3137. How do you think they would be able to go to Maryborough?—Some might go and live with friends or relations in Maryborough, others might drive in or, if there was a boarding school, they might board there.

3138. Do you not think, in the case of a boarding school, that children would go to a greater distance?—It would depend on the character of the school.

3139. Only a small number could travel backwards and forwards?—Yes, one or two points are suggested to me by the evidence to-day. With regard to Portarlino, the school there is more than moribund, it is in a state of absolute coma, and will soon depart this life entirely. The master has received an appointment at Kilkenny, and will be leaving in a short time, and I think it is highly improbable that anyone will take up the venture.

3140. Can you give us any prospect of a school being successful in Maryborough when the Portarlino schools have failed, what was the reason of their failure?—When Dr. Wall left he took all his boarders with him, and nobody who attempted to carry on

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Rev. Joseph
Turner.

the school had the necessary qualifications. There was no endowment, the school never supported itself as a day school, there are not a sufficient number of boys in the neighbourhood to keep up a day school.

3141. At the time Dr. Wall was at Portlerrington were there not a large number of residents sending their children there?—No, it succeeded as a boarding school.

3142. Dr. TRAILL.—But a number of people want to live in Portlerrington for the sake of the school?—Yes, but not sufficient to keep up an unendowed school. The question of the character of the governing body was one to which my attention was even more directed than to the locality. Since I came into the room, I saw a number of things I did not see before, as to the claims of Ballyrean and Abbeyfeix, but from the first my mind was more directed to the character of the governing body than the locality of the school, and for a variety of reasons, which have been referred to more or less already, I fear that a mixed governing body will not be a success.

3143. Lord Justice FRINGHAM.—Will you allow me to ask you what provision in the scheme put this notion of a mixed governing body into your head?—The proceedings of the Abbeyfeix meeting.

3144. Quite so; there was nothing at all about it in the scheme, and all these objections treat it as if we had proposed to put the Preston endowment into the hands of a mixed governing body. There never was a greater mistake: the scheme provides the endowment shall be paid to Protestant masters, and leaves it open to have the schools managed in whatever way, consistent with so spending the money, would work the thing best. All this history was got up by the proposal of the Abbeyfeix people to put one or two Roman Catholics on the body which was to manage a school in which the head master was to be a Protestant—I don't wish it to be understood that I, in any way, adhere to the proposed governing body in Maryborough—I was made aware of it for the first time when I received the notice from the office. I think the ex-officio members are not such as they ought to be. For while I agree there should be a representation of the smaller Protestant bodies, I don't think they ought to have a preponderant representation. The general principle that recommends itself to my mind is that suggested by the Leighlin Diocesan Council, having a certain number of ex-officio representing the different denominations, and other members elected

by each body as would be fairly representative of the parents of the children.

3145. The Leighlin Diocesan scheme would exclude any representation of parents of pupils or subscribers. In all similar cases where we are trying to supplement a private endowment by school fees, we put in a direct representation of the pupils' parents, and of persons who subscribe to the school—I should not object to that.

3146. If subscribers and parents, even assuming them all to be Roman Catholics, could only return a minority of the governing body, do you think they should have representation? In other words, if other denominations could only come in upon the governing body in proportion to the amount of money they subscribed and pupils they sent, but could never attain to a majority, do you think there would be any danger to the intentions of the founder, or the efficiency of the school in allowing them a representation?—I think, in every case, the more heterogeneous the governing body the more danger there is of friction, and I don't think in such a case you could have a mixed body without friction.

3147. Yet you propose to put in an ex-officio Bishop and Rector, an ex-officio Presbyterian minister, and an ex-officio Methodist minister, and other officers. If we were to put on no ex-officio, but to put on people who reside in the place, with representatives of subscribers and of the parents—that is the form in which most successful schools in the North of Ireland and elsewhere are worked, would you object?—I should not object to the representation of subscribers and the parents of children who are attending.

3148. Judge O'BRIEN.—But still if they brought in a Catholic element the result you apprehend would take place?—I think it is exceedingly likely it would.

3149. Lord Justice FRINGHAM.—Would it not carry with it its own cure? If four governors were elected, and the Roman Catholic parents and subscribers returned one, if any friction arose they would be in a minority, and if they ceased to subscribe or to send their children they would cease to have the franchise, whereas if the ex-officio you propose fell out, there would be no cure for it.—That is a difference I see between the one and the other.

3150. Professor DOUGHERTY.—They would not be put on as representing a religious community but as an educational interest?—Yes.

ROBERT MALCOLMSON EXAMINED.

3151. I wish to place before you the view of the Leighlin Diocesan Council that this is an entirely Protestant endowment, and cannot be diverted from that. Here is a letter which states the views of the Commissioners themselves. [Reads circular letter of 18th June, 1889.] Although the Church is disestablished this endowment is not disestablished, and it is not competent for this Commission to disestablish the intentions of the donor, Alderman Preston, he gave that fund for the purpose of promoting the Protestant religion, and how that can be promoted by handing over the management of the fund to a mixed body we fail to see.

3152. Lord Justice FRINGHAM.—What provision in this scheme do you think has that effect?—The Commissioners have dealt with the school at Navan, and made a scheme which received the sanction of the Privy Council, and on that scheme the school at Navan is grouped with all the Church of Ireland schools in the diocese of Meath, and the Education Board of the diocese has the control of the Navan school. A similar scheme for the diocese of Leighlin is already issued by the Commission for the different

schools in connection with the Church. If you will add to that a similar provision, as in the scheme adopted for the diocese of Meath, we will be perfectly satisfied; but you hand it over to a public body, who may at any future moment, when pressure is brought to bear on them, entirely disestablish the church body and elect a mixed body. I think the scheme transferring it to other persons enables those persons to elect a mixed body.

3153. Lord Justice FRINGHAM.—The difficulty that exists here did not exist in the case of the Navan school. It was not proposed to move it, and it was a suitable central school for the diocese. Does the Diocesan Council think this school can be maintained in Ballyrean?—They have stated that if it is to be removed they would prefer Maryborough to Abbeyfeix.

3154. Do they propose to have it removed to Maryborough?—No; if it is a choice they consider that Maryborough is the best place.

3155. Monsignor MOLLON.—Did they consider whether that was consistent with the founder's intention?—Yes, "In the opinion of the Council the

Robert
Malcolmson.

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Robert
Malleson.

governing body of the school shall, in accordance with the express conditions of Alderman Preston's will, be exclusively Protestant."

3165. Judge O'BRIEN.—What are the express directions in the will?—Here they are:—

"For the better preserving, supporting, and maintaining of the Protestant religion, and for the better breeding and training up of youth in the fear and knowledge of God."

It provides that a Protestant schoolmaster shall be appointed at Navan and Ballyroan.

3167. Lord Justice FRANKLIN.—I think you have been quite misled, because, under the scheme as it stands, even if the whole governing body was Roman Catholic, they cannot pay a farthing of the endowment to any except a Protestant schoolmaster. In your hurry to put, as the Rev. Mr. Disney said, the ex-clusiveness first and the education afterwards, you never saw the provision that any "master entitled to receive any salary from the Preston endowments shall be a Protestant." What does the Council say as to moving the school?—We say, if it is to be moved from Ballyroan, Maryborough would be preferable to Abbeyleix.

3168. What have you to say to the question of preserving the benefit of the endowment for the locality of Ballyroan?—The opinion of the Council is that one school is the best.

3169. Monsignor MOLLOY.—I think you may make up your mind that, if there is to be only one school under the endowment, it must be either at Ballyroan or at Abbeyleix?—I think the Council are indifferent as to that, provided the Protestant character of the endowment is maintained.

3170. If you get no scheme at all, or no new governing body, you will remain under the Commissioners of Education, a body which now consists of ten Protestants and ten Catholics.

Lord Justice FRANKLIN.—You have been treating this question as if the governing body were to be autocratic; they are nothing but trustees of the property, bound to spend it in a particular way, and the particular way in which they must spend it is in paying Protestant schoolmasters. The real question is to get an efficient body to manage the schools well in which these masters are employed, and I don't see any way to prohibit a school from getting any benefit from the endowment for Protestant masters if they admit a single Roman Catholic as a colleague in the management of the school.

3161. Venerable Archbishop JAMES.—Would you put a Roman Catholic priest as an ex-officio member?—

Lord Justice FRANKLIN.—I don't think so.
Mr. Malleson.—I don't think he would act.

Lord Justice FRANKLIN.—I would be in favour of creating a governing body in the first instance, with power to co-opt some other members, so as to meet the wants of the locality.

3162. Mr. Malleson.—Following the scheme adopted in the diocese of Meath, why not group Ballyroan?

Lord Justice FRANKLIN.—Because we are bound to look after the interests of the Ballyroan people, and this is not suitable for a diocesan school, so the other way.

Mr. Malleson.—You preserved the endowment of Navan in accordance with Alderman Preston's wishes. The Diocesan Board would be a good governing body for a Protestant school—it is the same endowment, the same property, under the same laws. Navan is a larger school than Ballyroan, you have made a governing body for that and for all the other church schools, why not make the governing body of the diocese of Leighlin the governing body of the school of Ballyroan or Abbeyleix?

3163. Lord Justice FRANKLIN.—The schools are not in the same position; the Navan school is in one of the principal towns of the county, it is a boarding and day school, and was a good central school for the

entire diocese of Meath; the better school it was made for the whole diocese the better it would be for Navan also; and by improving it in Navan we improved it for the whole diocese, and also for the very spot which the donor intended to get the benefit of it. If we could make this a central school for the diocese of Leighlin, then your case would apply, and the interests of Ballyroan would be also served.—What presses the Diocesan Council is, that a governing body appointed in that way would be more capable of looking after the interests of the school of Ballyroan or Abbeyleix, as the case may be, and carrying out the intentions of the donor, than a body appointed otherwise.

3164. I am afraid your own resolutions answer that by proposing—

"*Archbishop the Bishop of Leighlin, Cussey, and Ferns, the Dean of Leighlin, the Archbishop of Leighlin, the representative of Alderman Preston, Superintendent Wesleyan Minister, Presbyterian Minister Representative.—Three clerical members elected by Diocesan Council of Leighlin, one clerical member of Council of Kildare, five lay members elected by Leighlin Diocesan Council, one lay member by Council of Kildare, two co-opted lay members.*"

You yourselves ask a governing body representing two dioceses and three denominations?—That is the conclusion they came to. I don't approve of that. I think it ought to be a governing body like that of the schools of the diocese of Meath.

3165. Dr. TRAILL.—If it was made a diocesan school, do you think they would be able to work it from all parts of the diocese in Ballyroan as a centre?—I certainly think they would be better able to do it than any proposal I have heard to-day.

Archdeacon JAMES.—A special council was called to consider the question; they sent notice to Abbeyleix and also to Maryborough, and requested a deputation to attend. A very strong deputation came from Maryborough; no deputation came from Abbeyleix, and it was the representation of the Maryborough people, and the influence of the Methodist body, that made them introduce that element into it, but I am quite sure the Diocesan Council would not insist on it if it was thought more expedient to adopt a different governing body.

3166. Lord Justice FRANKLIN.—You see the difficulty there would be in making this a purely diocesan school like the one in Navan; the income is less, and it could not be made a diocesan school here?

Archdeacon JAMES.—I don't think the idea was to make it a diocesan school, but it would be within the confines of the diocese.

3167. Lord Justice FRANKLIN.—The Navan school, for every sum of money it gets from this endowment, must receive a certain number of free boys from the National schools of the whole diocese; it is, in fact, an intermediate school for the whole diocese.

3168. Dr. TRAILL.—Could you work this on that system, having meritorious boys picked out and brought here as boarders?—I don't think so.

Professor DOUGHERTY.—Are you disposed to insist upon the first point in your resolutions, namely, that the whole of this endowment should be applied to a single school?—I don't think the Council, if they were here to-day, would insist upon that. The information before the Council was as before. Abbeyleix did not send any deputation; we had only to rely on the information we got from Maryborough, and it was on that information that we came to these resolutions.

3169. Dr. TRAILL.—Your principal point is that it was a Protestant endowment left by a Protestant for the use of all denominations if they chose to use it?—Certainly; I think under the draft scheme it would be possible to have a mixed board, and eventually to divert the funds. How would you control a Board of that sort?

3169A. Monsignor MOLLOY.—You have always had

a mixed board managing this endowment!—That was not upon us by the Legislature.

Dr. TRAILL.—They were appointed to take over private endowments, but they could not alter a private trust.

Lord Justice FITZGERALD.—The governing body

under this scheme cannot do anything that the Commissioners cannot do now.

Mr. McLEOD.—You might as well appoint the board of guardians; you would have the same control over it.

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Robert McLeod.

Rev. Dr. ARMSTRONG, Stoddally, sworn and examined.

3170. As Colonel Conby could not be here today, I would like to make one or two remarks. The Diocesan Council represent the whole diocese, and would be naturally the proper body to look after the interests of education in each parish. With regard to Stoddally, I think it would largely supplement in numbers—at least to the number of a dozen—the Maryborough school, I have myself six.

3171. Lord Justice FITZGERALD.—What is the distance to Maryborough?—Five miles.

Rev. Mr. FERRIS.—I forget to mention that Portlinton, I think, might be depended upon to send ten or twelve boys to Maryborough, and also that there would be half that number, perhaps, from Mountmellick.

Rev. Dr. Armstrong.

3172. Lord Justice FITZGERALD.—By railway are Portlinton and Abbeyfeix in easy communication?—No.

Rev. Canon FISHER, Mountnash, sworn and examined.

3173. Lord Justice FITZGERALD.—You have the estate in your neighbourhood?—Yes, but we have not claimed the endowment. We could avail ourselves of a school in Maryborough, we could certainly not

avail ourselves of a school in Abbeyfeix; we have to drive seven Irish miles in the one way, and in the other way we have a train morning and evening.

Rev. Canon Fisher.

JOHN D. ROWE sworn and examined.

3174. Lord Justice FITZGERALD.—Where do you reside?—In Maryborough.

3175. There is a Methodist congregation in Maryborough?—There is.

3176. What are your numbers?—There might be fifty to ninety members of the congregation.

3177. Do you know anything of the congregation at Abbeyfeix?—It is about fifty.

3178. What is your view about utilizing this endowment?—I was a member of the committee that drew up some of these objections and selected the names. In the first instance we did not separate them into specific and ordinary members, that happened by accident, by mistake of the draftsman, who was not a Methodist, and was immediately repudiated when noticed. We had in view that it would not stand for a moment that the testator had the interests of the Ballyroan district in view at all. His property lay on one side, and if he had his tenants in view it would be in that connection, but we knew that this was at that time the only accessible route to the northern part of the Queen's County, and we therefore believe that the testator had no idea in his mind as to the Ballyroan tenants whatever, drew up a county scheme, and put those names on it. We represent a town population of about 12,000, and there is a connection between those towns and Maryborough. A gentleman, here present, lately purchased an £8 season ticket for his daughters, between Maryborough and Mountmellick, where there is no Intermediate day school. As an employer of young men who would naturally come out of this school, I say that Protestant middle class education is in a most deplorable state; it is my constant grief for years. For thirty years I have been looking for something like this. We attach further and more importance to a part of the scheme

not mentioned to-day, that part that refers to elevating the primary education. We think that a respectable sum ought to be set apart for that. The standards of forty years ago still exist in the primary schools; the Intermediate examination system has not touched or elevated them, and the bare three Rs form the standard. I want my young men better educated. My Roman Catholic fellow-citizens have a splendid school in Mountnash, and their wants are largely met. But I speak on behalf of my Protestant fellow-citizens who have not the means, and are in little groups in the towns round about, and we want simply that our school should be so established, and the endowment of such a character that we could commence with a strong school, and influence the whole county, and lift the system of education, special teachers being kept to give lectures. Further, we did think of liberalizing the governing board, but we were informed that our Roman Catholic friends would not for a moment accept any representation on it, and I believe the Rev. Father Phelan declared so unless it was an equal share, and our object further in making it exclusive was that we found the friction otherwise would be of such a character that the standard of education would be lowered in the school. We wished to give a liberal and historical education; we want to train citizens, but text-books could not be introduced that would please both parties. That is the whole matter in a nutshell. We come with our county scheme, and in no illiberal spirit to present it to the Commissioners to-day.

John D. Rowe.

3179. Do you think that with half or two-thirds of the endowment you would be able to establish a school in Maryborough?—We thought that a sum of about £200 to £400 a year would do what we want, but not much less.

Mr. JOHN H. ATKINSON sworn and examined.

3180. I wish to call your attention to the districts, you will see that the ecclesiastical district of Ballyroan stretches almost altogether in the Maryborough direction.

3181. Judge O'BRIEN.—That does not lessen the number of miles between the two places?—The parish stretches in the direction of Maryborough and not towards Abbeyfeix, and the most populous portion is in the Maryborough direction, and

it is from that district that the children would come.

Mr. John H. Atkinson.

3182. You consider the ecclesiastical denomination takes in Maryborough more naturally than Abbeyfeix?—Yes; the townland of Culleneagh, which is a very populous townland, is in that direction. If the locality of Ballyroan is to be taken into consideration, Maryborough is practically as close to the great bulk of it as Abbeyfeix for all practical purposes.

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Mr. John H.
Alderson.

3183. Lord Justice FRYGROVE.—There are some matters upon which we want actual help, and I have to ask all those who are here to kindly attend to them. First as regards this immediate neighbourhood. Mr. McMahon, who represents them, will kindly, as soon as he can, go round among the inhabitants of the place and send us a list of the inhabitants of Ballyroan and its immediate neighbourhood who have children requiring intermediate education opposite each name, give the address, and the number of sons and daughters between seven and fifteen years. That will give us some idea of the claims of the locality, and I will ask him to give an indication of where they live, so that we can see the radius from either Abbeyfeix or Maryborough. We should like to have this list before the 1st August.

In all three cases, in which governing bodies are suggested in these objections, the proposed governing constitutions are not practical; it is easy to see that they were hastily put down, and would not work; we would therefore ask Lord de Vesci, representing Abbeyfeix, Mr. Eves, representing Maryborough, and the Archbishop, representing the Diocesan Council, to reconsider this question, and let us have their separate ideas of what governing body they suggest. I think the governing body ought in any case to contain some representatives of subscribers and of parents of pupils, whether there should be a limitation as to their religious denomination you may consider for yourselves, but those interests ought to be represented directly.

I would also ask, for my own assistance, and I am sure my learned colleague also would feel it a help, that the Diocesan Council and Maryborough should give alternative suggestions as to what would be best in either event of Maryborough getting the whole of the endowment or only getting part. We shall have to determine as matter of law, whether we can give the whole endowment to Maryborough—my own impression is that we cannot, because it would be excluding Ballyroan; and if only a portion of the endowment is sent to Maryborough, probably they would think that the governing body should be differently framed than if they got the whole.

It is necessary for the Abbeyfeix people to put in an alternative, because, whether they get half

or the whole, they would probably frame the governing body in the same way.

I would like to say in conclusion that, in discussing any scheme which we may propose, giving you any benefit out of the endowment, you ought to consider how little benefit you have got since 1686 when it was founded. We will do the best we can about it, but the case is a difficult one. We do not ignore the Protestant character of this endowment. We were aided at first for a moment by the fact that our attention was not called to the clause in the deed about promoting the Protestant religion, we had not the deed at the time of our former enquiry, but the moment we read the deed we came to the conclusion that this is a Protestant endowment. At the same time it by no means follows that the Protestant endowment may not be made more useful for Protestants in schools to which other pupils may come, you all appear to consent that it is desirable that they should come to any school having the endowment, and if the Abbeyfeix people wish to attract them by having one or two Roman Catholic representatives on the governing body, I see nothing calling on us to prevent them.

3184. Judge O'BRYEN.—I must say, to prevent any misapprehension arising hereafter, because some of the observations by the Lord Justice may commit me to propositions to which I do not assent, that I do not consider his statement as to any further suggestion as to the governing bodies by those interested, necessarily excludes any proposition in reference to the mixed constitution of those governing bodies; because I must say, as regards the original propositions of this scheme to which I was not a party at all, and as regards any future propositions which may be made upon the same basis, that is a matter which must be defended hereafter, and will require a great deal of argument to defend in my view of the construction of this will and the policy we are to carry out under the Act of Parliament.

Rev. Mr. Fisher.—Am I to understand that you consider that, in the event of any Roman Catholic members being on the governing body, they should not be *ex-officio*?

Lord Justice FRYGROVE.—That question arises on the proposal of the Abbeyfeix people, not on our scheme.

The sitting then terminated.

PUBLIC SITTING—WEDNESDAY, JULY 1, 1891.

July 1, 1891.

At the Eyrecoort Courthouse.

Present:—Right Rev. Monsignor MOLLOY, D.D., D.S.C., ANTHONY TRAILL, Esq., LL.D., M.D., F.R.C.D., and Professor DOUGHERTY, M.A., Assistant Commissioners.

The Assistant Secretary, N. D. MURPHY, M.A., was in attendance.

EYRECOORT ENDOWED SCHOOL.

The following were present:—Most Rev. Dr. *Healy*, Lord Bishop of Clonfert; Rev. J. A. Ford, Rector of Donnanaghta; Rev. P. Kivron, R.R., and Rev. T. Madden, C.C., Eyrecoort; Ven. H. F. Daly, Archdeacon of Clonfert.

3185. Monsignor MOLLOY.—My Lord Bishop and gentlemen, you are aware that we have come here to-day to inquire into the present condition of the school buildings and premises connected with the Eyrecoort Endowment, and to hear the views and wishes of those who are interested in the endowment. It will, perhaps, facilitate our inquiry, and help to remove misconception, if I commence by giving a short history of the endowment from its foundation to the present day. The endowment owes its origin to the Rev. Richard Banks, Protestant minister of this parish, who, by his will, which was proved in September, 1750, left £700 for the foundation of "a charity school at Eyrecoort for the maintenance and education of such poor children of the parish of Donnanaghta as the Lord Bishop of Clonfert, John Eyre, Esq., and the minister of the parish of Donnanaghta, and their successors, shall think fit." That is the trust of the endowment. It would appear that a schoolhouse was built in the year 1771 by the Rev. Thomas Hackett, the first minister of the school, at a cost of £600, chiefly derived from accumulations of interest. It was erected on an acre of land taken from Lord Eyre under a lease for lives renewable for ever. The lease was subsequently renewed, in the year 1812, to the Rev. John Hackett, the successor of the Rev. Thomas Hackett. It would seem that the whole of the income was not laid out upon the school, because we find that in 1818 the endowment amounted to £890 of Government 3½ per cent. stock, Irish currency. This investment stood in the names of the Bishop of Clonfert, Giles Eyre, Esq., the Rev. R. Hobson, and the Commissioners of Education in Dublin. The first three named of course have since died, and no substitutes having been appointed in their place, the Bank of Ireland has now, for many years, treated the Commissioners of Education as the legal owners of the stock.

Ven. H. F. Daly, Archdeacon of Clonfert.—I beg your pardon, Monsignor—might I interrupt you for a minute—there were successors. The original endowment was left to these three and their successors, and there have been successors, and the school has been maintained up to a recent period.

3186. Monsignor MOLLOY.—Their successors acted as trustees of the school.

Archdeacon Daly.—And carried on the school here by the Protestant minister, who always was the person who carried it on.

3187. Monsignor MOLLOY.—That is quite right; but the Government stock first stood in the name of the Commissioners of Education, and of the three persons I have named; when those persons died, and no other names were entered in their place on the books of the Bank of Ireland, the stock remained in the name of the Commissioners of Education only, and they are treated as the legal owners of the stock,

subject of course to the trust. In 1842 and 1843 repairs were made upon the school, and to meet the cost of these repairs, portions of the investment were sold out, and by these sales the stock was reduced to £500. We next hear of the endowment from the Royal Commission which was appointed in 1854, to inquire into and report upon the condition of educational endowments in Ireland. They inquired, amongst other endowments, into the endowment at Eyrecoort, and the summary of their report is given here in a tabular form. They say that the estimated value of the school premises was £12 a year; the net annual income from trust funds, £15, evidently the income from the £500 stock at 3 per cent; the subjects of instruction were classics, mathematics, and English; the head master was paid an annual salary of £13 *l. 4s.*, being apparently the £15, less some small charges; the salary was paid by the Commissioners of Education; the head master had apartments and the use of the house, an advantage which was valued at £9 *l. 4s. 6d.*; and he had also the school fees, amounting to £12. The number of pupils for whom there was accommodation in the school was 38, the number on the roll was 10, the average attendance was 8; and of the ten pupils on the roll, six belonged to the Established Church, and four were Roman Catholics; the annual charges upon the endowment were £4; and the state of instruction is reported as unsatisfactory. I will read for you now a few lines from the report of the assistant commissioner, Dr. George W. Abraham, which will show what the school was at that time. He says:—

"With respect to the state of instruction in the school, I found one pupil only learning Latin and a little Greek. I examined him in Virgil, and he knew nothing of construction or parsing. Some of the others as I examined in reading, parsing, writing from dictation, geography, and arithmetic, were very deficient. The answering in arithmetic was the worst in my experience. There was observable an utter want of order, discipline, or respect for the master."

That was the state of affairs in 1855, when the inspection took place. A few years later, in 1858, Mr. Eyre, who was one of the trustees, but who was also the head landlord of the premises, took an action to recover possession from the Rev. Mr. Hackett, who appears to have been the schoolmaster at the time; and the ground of the action was, that there were 18 years arrears of rent. The result of the action was, that the Commissioners of Education undertook to pay up the arrears or a portion of them, and for that purpose they sold out some of the stock, thus reducing the amount standing to the credit of the endowment to £440. Twenty years elapsed, during which the educational endowments of Ireland were allowed to slumber in peace, and then, in 1878, at the instance of Lord Randolph Churchill, another Commission of inquiry was appointed, which was presided over by

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Lord Rome, and of which Lord Justice FitzGibbon was one of the leading members. This Commission also inquired into the condition of the Eyrecoort school, and they reported that the master had resigned in 1878, that the school had been discontinued for five years before, and that the Rector of the parish thought that "something ought to be done." It does not appear that anything was done until the year 1882, when a case was prepared for counsel by the Commissioners of Education in Dublin.

From this case we learn that the trustees of the school, under the will of the founder, were, at that time, John Eyre, Esq., of Eyrecoort, the Protestant Bishop of Kilaloe, who was treasurer to the Bishop of Clonfert (because, I understand, that the Protestant diocese of Clonfert was united with the diocese of Kilaloe).—

Archdeacon Daly.—Under the Act of Parliament.

3188. *Monsieur. Mearns.*—And the third trustee was the Rev. J. M. Aldridge who was the Rector of Eyrecoort. When the head master resigned in 1878, he gave up the key of the premises to Mr. Eyre, who, besides being trustee, was the landlord of the premises. Mr. Eyre set the house to weekly tenants; he let the acre of land, or grazed it himself; and when the Commissioners applied to him to give an account of his receipts as one of the trustees he took notice of their communication. They accordingly consulted counsel as to what steps they ought to take to get possession of the house and premises. The case was submitted to Mr. Porter, the Solicitor-General of the day, and he advised them formally to demand possession from Mr. Eyre, and to threaten legal proceedings if their demands were not complied with. They accordingly called on Mr. Eyre to give up possession; he undertook to do so, and the Rev. Mr. Aldridge took possession on their behalf. About the same time they invited the trustees to send in suggestions to them as to the preparation of a scheme for the better administration of the endowment. In reply, they received a letter from Mr. Aldridge, which was laid before them at a meeting on the 2nd March, 1882, in which Mr. Aldridge, apparently acting for the trustees, proposed that the house and lands should be sold, and the proceeds applied to building a residence for the mistress of the Eyrecoort Parochial School. It would seem that the Commissioners of Education did not accede to that proposal, and we find in their minutes that their secretary was instructed to write to the trustees, and ask them if they had any alternative scheme to propose. The trustees then sent up two alternative schemes. The first scheme set out that the existing funds were far too small to maintain a school according to the intentions of the founder; and

"Since the parents of these children, who would attend the school are of the poorer class, few in number, they are not able to contribute sufficiently towards the payment of the master."

It then proposes that the house and premises should be sold, that the proceeds should be invested in stock and added to the stock already to the credit of the endowment, and that the interest on the capital so increased should be paid annually towards maintaining a master of the Parochial School of Eyrecoort. They add that there was a parochial schoolhouse standing on half an acre of land with no funds available to pay the master; and they express their opinion that a yearly income of £17 or £18 would form a "substantial nucleus" for the purpose. The second scheme also proposes that the house and premises should be sold, and that the proceeds should be invested in Government stock and added to the stock already to the credit of the endowment. But this second scheme suggests that the capital thus increased should be applied for the purpose of founding an exhibition at the Royal School of Armagh, or at Erasmus Smith School, in Galway, "for the sole benefit of the sons of Protestant parishioners of Donougha (Eyrecoort) Parish."

You see, then, that both of the plans submitted by the trustees involved the sale of the house and premises, on the ground that the endowment was too small to maintain a schoolmaster and to carry on the school efficiently. The Commissioners had those two plans before them at their meeting on 1st June, 1882, and here is their minute on the subject:—

"The secretary was instructed to inform the trustees that the Commissioners approved of Scheme No. 2, with the following modifications, namely:—first, that the exhibition proposed to be founded should be tenable at any school approved of by the Commissioners, instead of being confined to Armagh Royal School and Erasmus Smith's School Galway; secondly, that the word 'Protestant' be omitted from paragraph 8, the Commissioners being doubtful whether the endowment is or is not denominational, prefer that the point should be left to the decision of the Commissioners of Charitable Donations and Bequests, to whom they suggest that application be made by the trustees to frame a scheme for the *ex post* application of the endowment."

That was the state of affairs in 1882; two schemes were laid before the Commissioners of Education by the trustees, they approved of one with certain modifications, and advised that it should be carried out by the Commissioners of Charitable Donations and Bequests. It does not appear that any further step was taken, either by the Trustees or by the Commissioners, towards framing a scheme for the administration of the endowment, until the year 1885, when the Educational Endowments Act was passed. By this Act, under which our Commission was constituted, we have got power not only to inquire into the present condition of Educational Endowments in Ireland, but to prepare schemes for their administration in the future. In the discharge of these functions we have come here to-day to learn the views and wishes of those who are interested in the Eyrecoort Endowment, and to see how we may best give effect to the intentions of the founder, and secure to the poor children of Eyrecoort the benefits of which they have been so long deprived. In the Act of 1885, it was provided that the present governors of any endowment with which our Commission proposes to deal are entitled to draw up a scheme themselves and to submit it to our Board; and we are bound to take that scheme into consideration before preparing our own. Accordingly, early in the year 1886, a year after we were appointed, we received from the Commissioners of Education a draft scheme for the administration of the Eyrecoort endowment. This scheme provides not only for the administration of the endowment in Eyrecoort, but of a much larger endowment at a place called Tullyvin in the county Carra, and the endowment of the Royal School at Caryfort in the county Wicklow. Briefly, I may tell you that in substance the scheme provides that the school at Eyrecoort should be discontinued; that the endowment should be added to the endowments of Tullyvin and Caryfort, and that the whole should be administered for the benefit of the schools at Tullyvin and Caryfort. It seemed to us that it would be rather hard upon the people of Eyrecoort to take away their small endowment and apply it for the benefit of education in Tullyvin and Caryfort, two localities which are probably unknown to a very large part of the population of Eyrecoort. No doubt it is provided in the scheme, and this is the only thing proposed for the benefit of Eyrecoort that the Commissioners might, if they thought fit, apply a portion of the endowment to pay for the boarding of a pupil from Eyrecoort, who should desire to go for his education to Tullyvin or Caryfort; but it seemed to us unlikely that any of the poor children of Eyrecoort would venture on such an expedition in search of education. We therefore declined to adopt the scheme of the Commissioners of Education. We have already prepared a separate scheme for Tullyvin, which is now in operation; and a separate scheme for Caryfort which has been published but is not yet

fully approved; and we are now about to prepare a scheme for Eyre Court under which the benefit of this endowment may be secured to those for whom it was intended, that is to say, the poor children of the parish of Eyre Court. We have learned from Mr. McDowell, secretary to the Commissioners of Education, that the accumulation of interest now amounts to a sum of £113 which is lodged in bank on a deposit receipt. With regard to the house and premises, possession was received by the Rev. Mr. Aldridge for the Commissioners, but the house is in the hands of a caretaker who pays a rent of 45 s-year for the land, the Commissioners themselves paying

£4 12s.; so that the house and premises have been a positive charge on the endowment for the last few years. You have, then, an endowment here which is represented by £440 Government stock, £113 in bank, and the house and premises of the school which may be worth more or less according to the use that is made of them. We will, of course, visit and inspect the buildings and land before we leave the town; but in the first place we propose to hear the evidence of any person who has any new facts to communicate to us, or who may desire to express the wishes of those who are interested in the endowment.

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Most Rev. Dr. HEALY, Lord Bishop of Clogher.

5169. I just wish only to say a few words with reference to the matter. And first of all it struck me whilst you were reading its history and explaining it to us, that there was one at least clear fact before us, and it is this, that the past condition of the school has been entirely unsatisfactory, and that although this endowment was given for the purpose of education of some kind in this district, that that purpose was very imperfectly and unsatisfactorily carried out indeed. At the same time, although the lump of science has been burning so dimly in Eyre Court, so far as it has been connected with that endowed school, I think it is not a liberal thing to put it out altogether and transfer it elsewhere. And therefore I am sure I express the unanimous opinion of all classes in Eyre Court, and their earnest hope, that the Commissioners in their wisdom will be able to devise some means of utilizing that endowment for the people of Eyre Court, without any distinction of sect or religion. With regard to the original character of the endowment, the Commissioners will probably be better judges than I am; but it struck me that there was nothing in the words that were read by Monsignor Mellyre to show that the endowment, although managed by Protestants and under Protestant trustees, was intended for the exclusive use of Protestants. And therefore I think I am free to infer that, so far as the words of the instrument of foundation go, it seems to have been the intention of the founder to have a school for the benefit of all classes without distinction of religion in the town of Eyre Court. Even if there were a doubt on that point I think the history of the school would solve the doubt; the parish priest, Father Kirwan, was educated in that school, and there is another priest here, Father Madden, who was educated in the school, and there are old townsmen of Eyre Court here who will be able to testify that for the last 40 or 50 years, previous to what appears to have been the final closing of the school, Catholic boys were constantly there, and they were there in the majority; and furthermore, no attempt was ever made to interfere with their religion or get them to read the Bible, or anything to show it was ever intended to be a proselytising school. And therefore I have a right to infer from the history of the school that it was intended to be for the benefit of all classes in this town of Eyre Court, without any distinction of religion. We will get evidence from eye witnesses better than I can give to you on that point, but it is the primary point in my opinion in the investigation, because the Commissioners having once convinced themselves that this endowment was originally intended for the benefit of the people of Eyre Court, I suppose there could be no thought of transferring it elsewhere, when it is so needed here, because anybody walking through this town will see that the place is dilapidated and the people poor, and the landlords are not liberal because we could not get a site for a National School, and we have at present to pay £7 a year rent for a school. Anything the Commissioners could do to relieve us in this town would be a great boon to the population.

And now I will only trouble you with one point more—it will be my proposal for the management of this endowment in future. I certainly would wish that it should be applied for the benefit of all classes in Eyre Court, and therefore I think the best thing would be to apply both house and land—not to sell them—but to apply the house and land and the endowment for the purpose of the National School, and to apply the fund—the capitalised fund—for the purpose of repairing the house which is in a somewhat dilapidated condition, and suitably furnish it as a school, and also as a residence for the teacher, and then any little endowment remaining to give it to the teacher as a help to his salary; but very little will remain, I am confident, when all these things are done. And then, with regard to the government of the school, I would simply follow out the plan generally carried out in this country—vest the government of the school in three trustees. I have no objection that one of the trustees should be a Protestant; but as the vast majority of the children attending the school will be Catholics, it is only fair, and in accordance with the liberal ideas of our own time, that the majority of the trustees should be Catholic, and the management of the school and the teacher should be Catholic. Nobody will say that any attempt has been made to interfere with the religious feelings of the children who actually attend the National school (at present there are six Protestants), and the Commissioners may be sure that there will be no future attempt either; and, besides, having a Protestant gentleman like Mr. Eyre as one of the trustees, to which we have no objection, would be a sufficient guarantee on that score. Let these three gentlemen appoint the manager. The parish priest might be one trustee, Mr. Golding another, and Mr. Eyre. Let them take over this endowment and apply it for the benefit of the community. In that way the Commissioners will serve this poor town, carry out the intentions of the benevolent gentleman who endowed this school so far as they can be carried out at present, and in the fairest way for the community; and it is to act in a more liberal spirit to do this than transfer it elsewhere, or sell it and apply it to the so-called parochial school, that is, to take it from a school where there has been no pupil for twenty years, and bring it to another place which is in the same condition.

5170. Dr. TRAILL.—Of course we agree with what you have said, that the intentions of the founder were that the benefits of such a school as this should be open to children of all denominations, and I conclude that in your Church, where an endowment had been left to a Roman Catholic bishop, the parish priest, and a lay Roman Catholic, for a school open to all denominations, such school might still be used by Protestants; and the example your lordship has given, of a reverend gentleman educated in this school, shows that in past times it was quite possible for Roman Catholics to be educated with Protestants in schools under Protestant management. But I think your lordship will scarcely go the

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length of urging that it would be in accordance with the intentions of the founder to vest the management of this school in any but Protestants. He named the Protestant bishop and the Protestant minister of the parish, and Mr. Byrne, of Eyrecourt, as his trustees. We have had examples before our Commission, in which endowments were left to the Roman Catholic bishop or to the parish priest, such as in Mullingar and Kells; those schools were open to all denominations too; but any demand on the part of Protestants to get a share in the government of those bodies was resisted at once, when I asked the question, by Dr. Nulty, the Bishop of Meath. I don't know whether you would go the length of saying that in every case where a Roman Catholic had left money to Roman Catholic trustees for a school open to all denominations you would be prepared to admit Protestants on the governing body of that school—because, if we were to carry out a principle such as you propose with regard to this school, we would be obliged to carry it out elsewhere as well.

Dr. Healy.—I might take the liberty of saying that this endowment was founded 150 years ago, and you are just after referring to modern endowments, over which the will of the founder is supposed to have more control than over ancient endowments.

VER. H. V. DALY, Archdeacon of Clonfert.

Ver.
H. V. Daly.

3193. I appear on behalf of the Bishop of Killaloe and Clonfert, one of the trustees. I represent also the Protestant Diocesan Synod and the Council of this diocese. There is another of the trustees at my right hand side, the Protestant rector of the parish, and the only trustee absent is Mr. Gregory Byrne, the head of the Byrne family, who is absent, being a Land Commissioner.

Rev. Mr. Ford.—He asked me to represent him.

Archdeacon Daly.—Then you have the three trustees represented. The first point I put before the Commission is, that this endowment is not subject to the compulsory powers of the Commission, and the Commission will be asked by us first of all to declare this school exempt.

3194. Dr. TRAILL.—You may put that out of your head at the start, because I do not agree with you in your contention, and I don't suppose the other Commissioners do.

Archdeacon Daly.—Then if that be ruled against me, I will ask that the present trustees be permitted to present to this Commission a scheme for the working of the endowment, and then we shall fight the case on the merits. Now, the merits of this case are clear. With a great deal that the Bishop has said I agree, and no illiberal spirit will be expressed here, for I think we are all at unity with regard to the advantages of education and the restriction of this endowment to the poor people of Eyrecourt; but what I maintain is, that this charity is a purely Protestant one, founded by a Protestant clergyman in 1730, and left to three Protestants. Now I will read for you the inscription over the door of the school itself:—

"This school was endowed by the Rev. Richard Bunke, minister of the parish, and built by the order of Bishop Cumberland, John Lord Eyre, and the Rev. Archdeacon Alcock, trustees, under the inspection of the Rev. Thomas Blackett, master of the said school."

That, I think, sufficiently indicates the nature of the endowment and what it was. It is true that Roman Catholic pupils were admitted to this school, and it is true, furthermore, that I myself learned my lessons in a purely Protestant school with my arm round the necks of gentlemen who are now priests of the Roman Catholic Church; but it was not because they were admitted and became priests that that school, which was an old diocesan school founded by Queen

3191. Dr. TRAILL.—I am putting the question—whether you think that where a Protestant donor has left his money to a Protestant bishop and a Protestant rector of the parish, that it would be open to us to change its character now?

Dr. Healy.—I think if circumstances were to change in the future, as they have changed in this case, the Catholic founder's directions should be changed. Suppose in the course of time that there were no Catholic children—which I hope will never happen—and that the school for them was closed and the fund misapplied, a gentleman might fairly rise up and say—"When this was founded there were Catholic children, but now there are none, and I think it should be otherwise applied."

3192. Dr. TRAILL.—That might be very good if you or I were the donors, and were at liberty to express our wishes; but do you think that was the idea of Rev. Mr. Bunke, whose intentions we are obliged, by our Act, to have regard to?

Dr. Healy.—I always thought that this Commission was invested with powers by Parliament to liberalise schools.

Dr. TRAILL.—But we are limited by the Act of Parliament on this very question, viz.—the intentions of founders.

Elimbith and supported by a tax on Protestant clergymen, could be in any sense called a mixed school, or for the advantage of different denominations. I say that the Eyrecourt School was a school founded altogether for poor children of Protestants in this place, and though the master chose to admit Roman Catholic children, yet that did not in any sense make it an undenominational school. The poor children in my own parish go at present to the convent school, because they have no other school to go to, and I might just as well argue that that was a mixed school.

3195. Dr. TRAILL.—It does not say that they shall be poor children of one denomination. It says, "poor children" in this parish "as the Lord Bishop, John Eyre, Esq., and the minister of the parish of Denamouth, and their successors, shall think fit"; it left it to their discretion to admit Roman Catholics, and it is on that ground that it is within our jurisdiction.

Archdeacon Daly.—But is it likely that those three—two of them being ecclesiastics and the other a Protestant gentleman—would nominate say but Protestant children. It is clear that this was a denominational school founded for one denomination, and although Dr. Trill rules against me it is a matter for future argument.

3196. Messenger MOLLON.—It appears from the reports of former Commissions, that the trustees have freely admitted Roman Catholic children to the benefit of the endowment, and this would seem to show that it was not intended exclusively for Protestants. Of course you are entitled to have the matter discussed before the full Commission, but I think you may be satisfied that we have power to deal with the endowment.

Archdeacon Daly.—In that case we will ask that the present trustees shall themselves draft a scheme and submit it to you.

3197. Messenger MOLLON.—Certainly; we shall be very glad to receive from the trustees a draft scheme, but we should like now to hear the views of the trustees personally; and perhaps there are other persons present who may be able to give us useful evidence on the subject.

Archdeacon Daly.—Father Madden is here, who was educated at the school.

3198. Professor DOUGHERTY.—Do you happen to know whether the trustees have been thinking of the East on which they would wish a scheme to be drafted? Archbishop Daly.—We propose to carry out one of the schemes already before the Commissioners of Education, to sell the premises and to add the amount to the £440 and £113 that are now available, and the annual interest on that to be paid to the Rev. Mr. Ford, one of the trustees, for the maintenance of the Protestant school in Eyre-court, say a school in Eyre-court to which all denominations would be admitted—a National school. We can now do that, as, having ten pupils, the Commissioners of National

Education will help us to set up a school in this town, and we would require this endowment for it. At all events, it is upon the lines that have been read before, that we wish to go. Our present trustees are the Bishop of Clonfert, the head of the Byrne family, and the minister of the parish; these compose the Board of Governors constituted by the founder, and we ask to let the school be under the same management still. But one of the trustees would be the minister of the parish, the person to carry out that trust. That money should be funded, and the interest given over to him annually.

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Rev. J. A. Ford sworn and examined.

3199. Dr. TRAILL.—The parochial school that was mentioned by the Archbishop is under your management?—It is under my management, but it is not a National school.

3200. How many pupils have you got in it?—It is not used at present.

3201. How long has it been in that position?—It has not been opened since 1882.

3202. How many Protestant children have you in your parish?—At present I don't think I have more than seven or eight who could attend.

3203. What ages would they be?—From three years of age to six, but in a few years time—perhaps two years time—I might be able to get up an average of twelve or fourteen.

3204. Monsignor MOLLOY.—You are at low water mark at present?—Very low.

3205. Professor DOUGHERTY.—Why do you expect an increase may I ask?—Because I have a lot of farmers not very long married. I have about six children in the parish of Eyre-court, some of them go as far as Kilmore to the National school there under Protestant patronage.

3206. Dr. TRAILL.—The Roman Catholic bishop and there were six Protestant children attending the National School here?—There are only three.

Rev. J. Kinsane, S.P.—There are three Protestant children attending the girls school and three attending the boys school.

3207. Dr. TRAILL.—Do you think if you had a properly qualified master at the parochial school these boys and girls would come to your school?

Rev. Mr. Ford.—I am quite certain they would.

3208. How long is it since the parochial school has been opened?—Not since 1882.

3209. How long have you been here?—I have been here a year.

3210. Since Mr. Graham left?—Yes.

3211. Monsignor MOLLOY.—And could you get a properly qualified master for £12 or £14 a year?—If I had the endowment, and capitation grant, and the results fees, I would be able perhaps to pay a teacher £50 or £60.

3212. The endowment is only £12 or £14; what would the capitation grant be for six children?—Ten children.

3213. But the ten are only prospective. What would the capitation grant be even for ten?—Between £12 and £14, and results fees would be about £7.

3214. Say £24 altogether?—I am sure I could get £20 in this parish easily; it is a very well-to-do parish.

3215. What has it contributed in the past?—Nothing—it was not necessary.

3216. Then that source of income would be also a little speculative?—Our great difficulty has been, we have never had enough children to keep the school going.

3217. Does it not seem, then, that the success of such a scheme as you contemplate is dependent upon an increase of Protestant children?—Undoubtedly.

3218. But the tide may fall as well as rise?—But we want a very small increase—if I had three or four more children to-morrow—if a Protestant policeman came to the village I would open the school at once.

3219. And if a Protestant policeman left the village you would have to shut it up?—But I have not got one.

3220. Dr. TRAILL.—Has any other scheme occurred to you by which the school could be utilised for the benefit of your people?—I have not thought about the scheme; I only heard of it the other day.

3221. There was a scheme suggested about giving an exhibition for one day, to be held at Arnagh, but the Commissioners of Education in Dublin said that they would modify that by striking out "Arnagh" and saying "at any school"; and they also proposed to leave out the word "Protestant"—I don't think that would work at all.

3222. Professor DOUGHERTY.—Do you think it absolutely impossible to have Protestant children educated in a National school under a Roman Catholic teacher?—Not at all. I have frequently had children educated at a Roman Catholic school.

3223. And should you think it an improper application of this endowment to apply it to a National school that would meet the wants of the whole community?—It is that as the bishop suggested.

3224. No, I don't say that at all. Should you think it impossible to apply the endowment to a National school in which both Protestants and Catholics could obtain their education?—I don't think it would, but the teachers would be all Roman Catholic teachers; the governing body would consist of two Roman Catholics, according to the bishop's statement, and I would have no voice in the matter; I could not even go into the school to see if my children were being taught properly.

3225. Dr. TRAILL.—Have you in the present National school any facilities to give religious instruction?—No, I instruct them elsewhere.

Archbishop Daly.—There would be no objection on the part of the parish priest.

3226. Professor DOUGHERTY.—If facilities were arranged, should you still see any difficulty in applying the endowment for the benefit of the National school?—Nothing is impossible, but it would be most unfair.

3227. There does not seem to me to be much that is practical in your suggestion to establish a Protestant school. You yourself admit that the Parochial school has been closed since 1882, and I think you also practically admit that you are not in a position to open it at the present time?—At the present time I don't think I could keep up a sufficient average.

3228. Dr. TRAILL.—Have you any idea what number of children are in the National school at the present time?—I don't know.

3229. (To Rev. Mr. Madden).—Is there an assistant teacher at the National school?

Rev. T. Madden.—No.

July 1, 1896.
Rev. J. A.
Ford.

3230. Would you be inclined to favour a scheme of this sort supposing that in the National school, leaving it still under the management of the parish priest, this fund were used to pay an assistant teacher on condition that the assistant teacher was a Protestant, instead of scattering this money among many small schools?

Rev. Mr. Ford.—No; I don't think so.

Archdeacon Daly.—There is a strong feeling that the management of this fund should be in the original trustees.

3231. Professor DOUGHERTY.—We are not talking of the management of the fund, but of its practical application.

Archdeacon Daly.—My friend would have no control of the management in the National school.

3232. Dr. TRAILL.—Don't you see, Mr. Archdeacon, that the National school managers would have nothing to do with this money more than this—if it could be arranged that the assistant teacher should be a Protestant, the managers, wherever they are, should pay him the money?—I don't think the trustees would be satisfied with that.

3233. If a Protestant teacher was appointed to the National school as an assistant, on the condition that so many Protestant children were there, and that this money was paid to this teacher?—From the trustees?—Oh, I think that would be impracticable.

3234. The capital to remain in the hands of the Commissioners?—When it is paid from those trustees.

Rev. Mr. Ford.—If you take away this endowment from us I can never hope to open a school in this parish under Protestant patronage.

3235. The most enthusiastic Protestant—take myself—who would like to help you in every possible way, could not reasonably consent to a scheme for opening a school for six children, or even ten. If you had an average attendance of ten or twenty I could understand it, but you only seem to point to a limit that, with the help of newly-married persons and other circumstances, you may get the roll list up to ten, but even that is putting a very extreme case.

Archdeacon Daly.—There is an alternative. There are other endowments in our diocese; we are looking to consolidate these, and to open a school at Ballinasloe, which will be open to the people of Eyre Court and their children. Lord Clancarty is now dead, and I expect the schools in that town will be no longer supported by his family.

Monsieur MOLLOY.—We were told when we were at Ballinasloe we were quite near Eyre Court, but it took us two hours to come here, and I think it would be a hard thing to expect the poor children of Eyre Court to go such a distance to school?—I did not mean that; we will try to get up a boarding school.

Professor DOUGHERTY.—Let us understand where we are. That is a totally different proposal?—It is, but we have alternative schemes in our mind. What we ask is to present to you those alternative schemes.

3236. In regard to this endowment, what is your alternative scheme?—I have put one before you, I am suggesting another, and we may think of a third.

3237. What is your second?—I don't quite understand it?—It was mentioned to me that it would be a good thing, as the Ballinasloe school will be no longer supported, if we could consolidate all the schools at Ballinasloe and set up a boarding school there for primary and intermediate education purposes.

3238. Have you estimated how many Eyre Court children you could accommodate in such a school?—Those

that Mr. Ford has at present, and all those that are coming.

3239. Dr. TRAILL.—You mean that the £15 should be used exclusively for the education of a boarder at Ballinasloe?—Yes.

3240. Would you educate more than one boy?—We would educate all we could; we would take them from charity if they had not funds of their own to support them.

3241. Monsieur MOLLOY.—The rector has made a suggestion which I think is deserving of consideration. He said that if this endowment were applied in such a manner as Bishop Healy suggested he would be deprived for ever of the opportunity of opening a school in Eyre Court. I think that is a very fair remark, and I was going to suggest a provision that whenever the trustees would be in a position to open a school and carry it on efficiently the endowment should be given to that school. Your present plan appears to me open to very serious difficulties. You propose to apply this endowment under the existing trustees to a school for Protestant children in Eyre Court. Now, the old school was closed under those trustees, and the parochial school which had been working for some time was also closed; and it would seem hopeless to expect that you could all at once, by getting £15 a year, be able to open and work a school successfully; but I can fully sympathise with your desire that if at any time you could carry on a parochial school efficiently the endowment should be available for you. The endowment is very small, only £15 a year; why not let the interest accumulate as it has been doing for the last five years?

Dr. TRAILL.—That is a waste of the endowment.

3242. Monsieur MOLLOY.—It would take a long time accumulating to enable you to maintain a school without pupils.

Rev. Mr. Ford.—If you hand over the endowment to the Roman Catholics it may be rather difficult for us to get possession of it again.

3243. Monsieur MOLLOY.—I don't think we could do that.

Rev. Mr. Ford.—But if they had the interest of the endowment.

3244. Dr. TRAILL.—Suppose you take my suggestion: instead of opening a school without children, if the point, who is the manager, would appoint an assistant, who might be a Protestant, on those terms only would the money go to them.

Archdeacon Daly.—That would be a good idea, with the provision that Dr. Trill mentions.

3245. Monsieur MOLLOY.—The existing buildings, I believe, are held at £3 a year, with the garden?

Rev. Mr. Ford.—Yes.

3246. What would you estimate the value of the buildings to be at present, with the acre of land?—It is very hard to put a value on it; house property is extremely cheap at Eyre Court.

Archdeacon Daly.—About £16 I heard to-day.

3247. That is, to-day if you wanted to get such a thing in Eyre Court you would have to pay about £16 a year?—Yes. The tenant is here.

3248. He might not be the most impartial witness?—About that is the value, and there is about £4 12s. of a headrent.

3249. The Commissioners of Education pay £41 2s. and some of the rates, and they receive from the tenant £31?—Yes, it is a enormous *benefit*.

Rev. J. KILGUS, R.R., Eyre Court.—I have no evidence to give. I never went to that school; it was unroofed when I went to school. I went to school to the teacher that was there in a private house. There was one Protestant boy, and the rest Catholics.

July 1, 1880.

Rev. T. MADSEN, C.D., sworn and examined.

3250. Monsignor MOLLOY.—You are the curate of this parish?—Yes.

3251. Do you know the school buildings and ground?—Yes.

3252. What value would you put on them?—I don't think £10 would be got for it.

3253. Have you a National school?—We have two, male and female.

3254. How many pupils have you on the roll?—The average attendance in 1885 was 83 boys and girls.

3255. Can you give them separately?—Boys, 37-5; girls, 45-9. 1886, boys, 32-2; girls, 35. 1887, boys, 41-8; girls, 42-2. 1888, boys, 46-1; girls, 38-6. 1889, boys, 47; girls, 37-6. 1890, boys, 46-1; girls, 34. 1891, for the last two quarters, 54-6 for boys and 46 for girls.

3256. So, in fact, you are now at high water mark?—Yes.

3257. Dr. TRAILL.—Is that the number on the roll or the average attendance?—The average attendance as taken from the rolls.

3258. Is it a mixed school?—Separate schools and separate teachers.

3259. In different buildings?—In different buildings.

3260. Monsignor MOLLOY.—Have you a convent school?—No; National schools.

3261. What class schoolmaster have you in the boys school?—Third class.

3262. Is he a good teacher?—Yes.

3263. Has he an assistant?—No.

3264. Professor DOUGHERTY.—Is he a trained teacher?—No.

3265. Monsignor MOLLOY.—Has he a pupil teacher?—No; we have no monitor in either school.

3266. In the girl's school what class mistress have you?—Second class.

3267. I suppose it is hardly necessary to ask you whether you would like to get £15 a year out of this endowment?—Oh, certainly; but I may add, that one of the reasons of the increase in the numbers is that there was a school within a mile from this, another National school, that was closed.

3268. Dr. TRAILL.—Under whose management was that?—Father Ryan.

3269. Is that opened again?—It is not, but will shortly.

3270. Professor DOUGHERTY.—Why was it closed?—The teacher was dismissed about two years ago.

3271. Do you happen to know how many Protestant children you have attending the school?—Only six, and three of those are policeman's children; and when the Rev. Mr. Ford says he will increase them, he must expect that we will get all Protestant policeman's here; I don't see any other way. The population of Eyre Court has gone down 200 since 1881.

3272. Monsignor MOLLOY.—What was the population in 1881?—475 in 1881, it is now only 473.

3273. Are all the pupils Catholics except three boys and three girls?—Yes.

Dr. TRAILL.—What hour is your religious instruction at?—Three o'clock.

3274. And the Protestant children leave then?—Yes, at three o'clock.

3275. Is there any objection to Mr. Ford coming in to give the Protestant children their religious instruction?—I am not the manager. I don't think there would.

Rev. Mr. KIRWAN.—I am the manager; I have no objection.

3276. Are there separate rooms?

Rev. Mr. MADSEN.—No; but they could be easily made. There is a room in the boys school that with very little could be fitted up, if Mr. Ford wished to give any religious instruction.

Monsignor MOLLOY.—Who is the manager of your school?—Father Kirwan.

3277. Is it vested or non-vested?—Non-vested.

3278. Is there anything else you would like to state with regard to the endowment?—Nothing more, only my ideas are to appropriate it for the good of the people of the locality.

Professor DOUGHERTY.—Then you are not in favour of transferring it to Ballinacree?—Not at all, unless there were a railway to bring them backwards and forwards free.

WILLIAM JOHNSTON sworn and examined.

3279. Dr. TRAILL.—Are you the tenant in possession of the school-house?—I am, since 1884.

3280. Under what kind of an agreement are you tenant?—When I got it in 1884 the house was in a dilapidated state; in fact, the roof was partially gone off, and the back of the house fell. I had to get it repaired with masonry work and slates, and I got done in it. It cost me over £30, all I expended on it for the last three years.

3281. Did you send any account of it to the Commissioners?—No, sir.

3282. Have you got the terms of the agreement you made with them?—No.

Professor DOUGHERTY.—Was it with the Commissioners you negotiated?—No, the clergyman, the Rev. Mr. Aldridge.

3283. Did you understand the premises were being let to you through Mr. Aldridge?—Yes.

3284. In the first instance you paid rent to Mr. Aldridge?—Yes, at first.

3285. And he sent it on to the Commissioners?—Yes. I had a communication from the Commissioners to send in future the rent direct to them.

Monsignor MOLLOY.—Do they make you any statement on the £3?—No.

3286. Do they give you back anything for taxes?—They allow me the entire taxes paid. I pay about £1 16s.

Dr. TRAILL.—Do they allow that to you out of the £3?—Yes.

Monsignor MOLLOY.—Then the net amount they get out of it is £1 4s 1d?—Yes, and out of that they have to pay 4s 1d.

Dr. TRAILL.—What use do you make of the house?—I use it for my family.

3287. Have you a farm?—No; there is no farm, only one acre of land attached.

3288. Monsignor MOLLOY.—Have you the use of the acre of land?—Yes.

3289. Dr. TRAILL.—What are you by occupation?—I am an ex-sergeant of police on pension.

3290. What value do you place on the house? If it was going to be sold in the public market, would you be likely to be a buyer?—I would like to buy it for my own use.

Archdeacon DOLY.—The Rector writes to me:—

"In my time I put Johnston in the school as caretaker, and then the Commissioners let him the house and land at a small yearly rent."

He is at present Rector of Forfar in Scotland.

July 1, 1881.

JOHN O'SULLIVAN sworn and examined.

John O'Sullivan.

3291. **Monsignor MOLLOY.**—Are you the master of the boys National school?—Yes.

3292. How long have you held that appointment?—Four years.

3293. You were appointed, I suppose, by the manager, the parish priest?—Yes.

3294. What is your classification?—First of third.

3295. You were never in a training school?—No.

3296. What salary do you receive from the Board?—£53.

3297. And how much do your result fees come to?—It varies; last year it was within 2s. 6d. of £24.

3298. Do you expect it will be more this year?—I expect it will.

3299. What is the number on your roll?—To-day it was 91.

3300. The attendance has been rather increased of late, owing to a school having been shut up in the neighbourhood?—It has.

3301. **Professor DOUGHERTY.**—Have you any monitor?—No.

3292. You teach this school single-handed?—I get boys to help me occasionally.

3293. What was the highest attendance recently in the quarter?—Sixty-eight or sixty-nine.

3294. Then you have just about the limit which is most inconvenient; you are a little under the number which would secure you the advantage of an assistant?—Yes.

3295. And consequently you have the extra labour without any help?—Yes.

3296. **Dr. TRAILL.**—You would require to have an average attendance of seventy to get an assistant?—Yes.3297. **Monsignor MOLLOY.**—In what condition is the school building—is it sufficiently large for the children in attendance?—It is a thatched school.

3298. Is it as good as the Endowed School?—Not at all; there is an outhouse door.

3299. Would the Endowed School buildings be suitable for a National school?—I have not been in it; it looks a fine school.

3300. And I suppose the acre of land would be no harm?—No.

THOMAS KELLY sworn and examined.

Thomas Kelly.

3311. **Monsignor MOLLOY.**—Were you a pupil of the Eyrecourt Endowed School?—About 1843 I was.

3312. How many pupils were there in your time?—Something about 13 or 14.

3313. Who was the master?—Mr. O'egan, when I was going first. He was from Trinity College, I think a B.A.; after him Mr. Coen.

3314. **Dr. TRAILL.**—Were they all clergymen?—No, none of them were clergymen.**Archdeacon DALY.**—They were always Protestants.3315. **Monsignor MOLLOY.**—Did you find the teaching all that you could desire at that time?—Very fair, very good. Mr. Coen was certainly a first-class classical teacher.

3316. What did you learn?—I learned Greek and Latin. I was intended for a profession by my father, and I paid, I think, £3 a quarter fees.

3317. Had you been before that at the National school?—No, there was no National school, I think, at all in my early days; it was a sort of hedge school. I don't think it was established in 1840 or 1841.

3318. Then at that time the Endowed School really had no rival to compete with?—Except a hedge school, taught by William Burke, taught in a private

house of his own. The country children and the poor children of the town used to be educated there.

3319. Did the master of the Endowed School teach all the children himself?—He did. I think O'egan had a man named Smith, who used to teach a little Euclid and mensuration.

3320. Who taught ordinary reading and writing and arithmetic?—Mr. O'egan and Coen and Weir.

3321. Then, in fact, he took his pupils from the alphabet up to Demosthenes and Cicero?—That is true.

3322. **Dr. TRAILL.**—How did he manage to keep an assistant teacher?—I think he was a boarder.

3323. What occupation in life are you?—I am a Clerk of Petty Sessions. My father was a merchant or trader in this town.

3324. What use did you make of the Greek and Latin which you learned?—My father intended me for a profession, but I lost my eye. I was educated after that in Glendaluk.

3325. You would have gone on with your studies to a higher degree if you had the chance?—Yes, I was pretty fair; I was educated with all the Eyres, and I used to take first place; I give myself the credit. There is nothing like being a bit of an egotist.

PATRICK STANTON sworn and examined.

Patrick Stanton.

3326. **Monsignor MOLLOY.**—Were you a pupil of the Endowed School?—I was not.

3327. What do you wish to say?—Rev. Mr. Madden called to ask what did I know about it. I have seen several teachers in it; there were only three or four Protestant children and about the same number of Roman Catholics, sometimes more of one and sometimes more of the other, and each time it failed. Nearly every Protestant clergyman that came here started this school, and in a short time there was a voluntary winding-up. The children did not attend, and the teachers could not live in it.

3328. The arrival of the new clergyman gave it a spurt, and when the spurt was over it fell back to its original condition?—Yes; that is what I could see all along.

Dr. TRAILL.—Were there Roman Catholic schools in the town at the time?—There was only the

hedge school; in fact, I stopped from going to school in 1848, and I had nowhere to go but to a hedge school; there was not a National school, and I feel very bitter over it. I felt at my business, although I was only a humble blacksmith, that it was a terrible loss to me not to know mathematics. The present National school is a wretched one, a thatched cabin and a damp floor, and I feel bitter again for the best little boy I had, eight or ten years of age, making wonderful progress; he caught cold in it from the damp, and I lost him from bronchitis.

3329. **Monsignor MOLLOY.**—Do you think it would be an advantage to the people of Eyrecourt if the present Endowed School could be used as a National school?—It would be the greatest boon.3330. **Dr. TRAILL.**—Do you think the want of pupils arose from the Roman Catholics not using it in sufficient numbers?—No; because I recollect at the time of

the famine in 1848, the people got poor, and there was not a Protestant in attendance, and the teacher had to go away, because he could not live there.

3331. But you say there were about four or five Roman Catholics?—Sometimes, more or less.

3332. Then there must have been some other school for Roman Catholics in the town?—There was the hedge school.

3333. But since the hedge school?—About 1848 or 1849 the National schools were established.

3334. And have they been fairly attended ever since?—Yes.

3335. Professor DOUGHERTY.—Was this school in your early days regarded as a classical school?—Yes.

3336. And boys who wanted that kind of education attended the school?—Yes, just like Mr. Kelly—merchants sons; and the humbler classes could not go there.

3337. That probably accounted for the smaller attendance of Roman Catholics?—They were not able to pay; they had to pay from one guinea to two a quarter.

3338. Therefore this school was not originally for elementary education, but for what we would call nowadays Intermediate education?—Generally the principal thing that brought Roman Catholics in it was to learn the higher branches, such as classics.

3339. It was an Intermediate school, in fact?—Yes.

3340. Dr. TRAILL.—But the founder seems to have intended it for something far different?—I always heard that it was to educate twelve Protestant children free. There were no poor Protestants in Eyrecoast—there might have been one or two, but these were too poor to go there as "poor children," and would not be educated there, except after hours, when the upper class would have left.

3341. Monsignor MALLON.—Would it have been a great advantage to you if you had learned drawing at school?—It would have put me far and away above what I am; it is only now I feel it, and mathematics, and the like.

3342. Dr. TRAILL (to the Teacher).—Do you teach drawing?

Mr. O'Sullivan.—A little.

3343. Are you certified for drawing?—No.

3344. Professor DOUGHERTY.—Do you conduct evening classes?—No.

Rev. Mr. STROUD.—Your wife teaches drawing?—Yes.

Archdeacon DALY.—Mr. Aldridge says he kept the school open for two or three years at a loss to himself. He received £8 a year, and the master had the house and garden; it was open up to 1883.

3345. Professor DOUGHERTY.—The school seems to have changed its character. I understand from these gentlemen it was rather an Intermediate school, and a very substantial fee was charged?

Archdeacon DALY.—Yes, and they taught Latin and Greek, but the original endowment was for the maintenance and education of poor people.

3346. Monsignor MALLON (to Mr. Kelly).—In your time there were about thirteen or fourteen pupils?

Mr. Kelly.—About thirteen.

3347. Do you remember whether they were Catholics or Protestants or mixed?—They were mixed; I think the proportion was about even; I think the Catholics had the majority; I could not exactly say, such a length of time.

3348. Has the Protestant population of Eyrecoast diminished since that time?—There was never a very large population in Eyrecoast. The men that I reckon in that number were Mr. Eyre's children, of Glenties, four of his sons going to school with me.

3349. Do you think that an endowment of this kind would be better applied to teaching the people Latin and Greek, or to teaching them something in the way of drawing and other subjects of more practical use to them for their career in life?—I believe it would be better to have the endowment given to some practical thing to educate the youth. I am afraid Greek and Latin in Eyrecoast is thrown away.

Archdeacon DALY.—I hope it is perfectly understood that we don't want to retain the school premises. By no part of the scheme we are going to present do we propose to retain the school premises, and what I suggested to Bishop Healy was to ask the Government to advance the money that the premises are worth, and let him take over the premises for a National school.

The proceedings then terminated.

July 1, 1891.

Patrick :
Stamton.

APPENDIX B.

DOCUMENTS.

No. I. (a).

Referred to in Evidence, pp. 1, 2, 5.

Return furnished by the Commissioners of National Education of the Names of National Schools in Castleroa, Co. Roscommon, or within a mile of that Town.

Roll No.	Name of School.	Diploma from Commission.	Date of Foundation.	When taken into possession and used.	Valid or Non-Valid.	Religious Denominations of Managers.	Religious Denominations of Teachers.	Demographic of Pupils in 1894.					Name and Address of Manager.
								R.C.	R.E.	Pres.	Others.	Total.	
1,688	*Castleroa, Male.	All in the name of Catholics.	1891.	30 Mar. '95.	Non-Valid.	R.C.	R.C.	210	-	-	-	210	Rev. T. F. Neary, R.C. Castleroa.
4,156	† Do., Female.		Sept. '92.	1 Sept. '95.	Non-Valid.	R.C.	R.C.	511	-	-	-	511	
14,713	St. Patrick's, Mixed.		1 Nov. '77.	1 Mar. '78.	Non-Valid.	R.C.	R.C.	75	9	-	-	84	
15,008	Castleroa (2), Mixed.		Not known.	1 Nov. '75.	Non-Valid.	R.C.	R.C.	40	61	-	4	105	Rev. W. C. McConnel Castleroa.

* Originally called "Amen" National School. This house is much too small, being capable of accommodating not more than half of the pupils in attendance.

† This is a Convent National School, the patron of which has applied to the Commissioners of National Education for aid towards building a large schoolhouse to accommodate all the pupils at present attending the Convent School and the St. Patrick's Mixed School.

‡ School, formerly, held in present house for more than thirty years prior to being associated with Board.

Education Office, Dublin, 25th January, 1896.

No. I. (b.)

See Evidence, p. 2.

LETTER of G. R. WELLS SANFORD.

Castleroa, 16th October, 1890.

By Lord Mount Sandford's Request.

DEAR SIR,—The Commissioners when sitting here desired to know the date of Lord Mount Sandford's death. I find that Henry Moore Sandford was born 1751, created Baron Mount Sandford 1800, and in an old family Bible I find his death recorded as having occurred in December, 1814. I take the liberty of sending you the following statement of the manner in which we would wish the money allocated—"That the original principal sum together with the accumu-

lations of interest thereon be formed into one capital sum. That said capital sum be vested in trustees to be nominated by the Bishop Diocesan Council of the Church of Ireland, the interest to be paid to the Rector of Castleroa for the time being, to be expended in maintaining the Protestant School of Castleroa."

Yours faithfully,

G. R. WELLS SANFORD.

N. D. Murphy, Esq.

No. II. (a.)

See Evidence, p. 24, et seq.

OBJECTIONS AND AMENDMENTS

TO

SCHEME No. 90.—THE DIOCESAN SCHOOLS AND BANAGHER ROYAL SCHOOL ENDOWMENTS.

SCHEME No. 94.—THE LIMERICK ENDOWMENT FOR TECHNICAL EDUCATION.

SCHEME No. 95.—THE LEAMY ENDOWMENT

SCHEME No. 96:—

I.—Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick.

II.—The Rev. Canon J. F. Gregg.

III.—James Quinn, Esq., J.P.

SCHEME No. 94:—

I.—Rev. THOMAS HEAD, S.J.

II.—Rev. THOMAS BROWN, P.P.

SCHEME No. 95:—

- I.—Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick.
- II.—Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick (Amendment).
- III.—The Existing Governing Body of Leamy's School.
- IV.—James Quin, Esq., J.P.
- V.—W. Wilson Mercer, Head Master.
- VI.—Miss Mary Mercer, Head Mistress.
- VII.—Samuel Moore, Assistant Master.

SCHEMES Nos. 90, 94, and 95 (JOINT OBJECTIONS):—

- I.—The Diocesan Council of Limerick.
- II.—The Deacon's Court of the Presbyterian Church, Limerick.
- III.—The Congregation of Wesley Chapel, George Street.
- IV.—The Congregational Church, Limerick.
- V.—The Bedford Row Methodist Congregation.

SCHEME No. 90.—THE DIOCESAN SCHOOLS AND BANAGHER ROYAL SCHOOL ENDOWMENTS.

OBJECTIONS:—I. The Most Rev. Dr. O'Dwyer, Lord Bishop of Limerick.

I object to the sum of £475 15s. 5d. allowed to Mr. Gregg for his outlay upon the Roxborough Road School:—

1. On the ground that no account in detail, properly vouched, has ever been given in evidence publicly, as far as I know, of this outlay.

2. That there is not evidence that this outlay has been made in permanent, as distinguished from current, necessary expenditure, or that it has been judicious, or has added to the value of the premises.

3. That it gives Mr. Gregg credit for his outlay from November 1874, to 18th December, 1879, during which time he was not a tenant of any legally constituted body, but simply occupied the premises and spent money on them at his own risk, having got possession in an underhand, if not fraudulent, manner.

4. From whatever sum Mr. Gregg expended on permanent improvements should be deducted a fair

rent—his own estimate of that was £30 a year—during the period already referred to, during which he paid no rent whatsoever; and account should be taken, in the interest of the ratepayers of the city and county, of the £30 a year which he has been allowed for the last eleven years for repairs.

If, then, Mr. Gregg's outlay on useful permanent improvements since 18th December, 1875, be ascertained, and from it be deducted a fair rent since he went into possession, I think it quite reasonable to allow him the balance, otherwise the proposition is only a cover for giving him so much of the property of the city and county of Limerick for nothing.

✠ EDWARD THOMAS,
Bishop of Limerick.

22nd September, 1890.

II.—The Rev. Canon GREGG, Rector of the Parish of St. Laurens, and Incumbent of Trinity Church, Limerick.

By the provisions of the Draft Scheme, it is proposed, that the Commissioners of Education shall put up for sale by public auction, all their estate and interest in the lands and buildings known as the Roxborough Road School, and described in the first Schedule, part 4.

To this proposal, so far as it relates to the sale by public auction of the estate and interest of the Commissioners of Education in the lands and buildings known as the Roxborough Road School, I object for the following reasons:—

1. The School-house is situated in my parish of St. Laurens. On Dr. Hall discontinuing the Diocesan School (as stated in the Draft Scheme), I entered into negotiations with him to take the building and land, and on his death, I acquired possession thereof by purchase from his widow in the year 1874, from which time I have been in possession of them.

2. At the time of my obtaining possession of the school buildings I found them in a very dilapidated state, and in need of considerable outlay to put them in a proper state of repair. When fit for occupation, I opened a school in the building, which I have since carried on, under the name of the Roxborough Road Female Free School.

3. The said School-house being situated in my parish, in which there was no other building available for a school-house, and having learned from Mrs. Hall, that several persons were seeking to obtain possession from her of the school buildings (as it was very generally believed that the Commissioners of Education had not sufficient title to disturb any person in possession), I was anxious for these reasons to acquire the same, not only to establish my School

there, but also to preserve the property still in connection with the Church of Ireland, and to prevent its being lost to the Protestant Community of the City of Limerick. On my acquiring such possession, I communicated the fact to Dr. Kyle, the Secretary of the Commissioners, and subsequently I acknowledged their title and accepted a tenancy under them at £20 a year. I believed, at the same time, that if I chose to dispute their title, my possession could not have been disturbed. Thinking that it was right, and influenced by a message which I received through Mr. (now Sir James) Spaight, from an influential member of the Commissioners, Lord Justice FitzGibbon, "not to dispute the title of the Commissioners of Education," I signed the agreement for the tenancy under the Commissioners.

4. At each inquiry of the Commissioners held in Limerick, I voluntarily attended and gave evidence before them, on each occasion stating and refuting the erroneous and unsupported objections made by the Roman Catholic party, against my mode of conducting the school.

5. In support of my occupancy of the school premises,—and of the usefulness and efficiency of the school carried on by me in them, I refer to the fact that the Protestant Community of the City and County of Limerick approve of my possession of said building, and of my mode of conducting the school therein; also to my evidence and reports to the Commissioners, showing the usefulness of the school; and in further support thereof to a resolution of the Diocesan Council of the Diocese of Limerick embodied in their objections to the Draft Scheme for the Limerick Endowments, a copy of which I enclose.

4. I submit, that had I not saved the property by purchasing it from the widow of the late Dr. Hall, and gone into possession, it would have passed into other hands, and consequent on the defective title of the Commissioners, it would have been lost. I also submit (which the Commissioners acknowledge), that my expenditure in repairs, has preserved the existence of the property, which otherwise would have become completely ruinous and unsalable, as the Commissioners of Education had no funds available to expend upon it.

5. Your Commissioners having at first recognised the strong claim I had to the school building, and the usefulness of my school, proposed to me to accept a Scheme. This Scheme I consented to take, at the same time intimating to them, my desire to purchase the school premises. Subsequently at their request, I submitted the names of Trustees which were approved of. The Scheme was then drawn up, and sent to me for my approval. Having been amended by me, it was returned, but since then no intimation of its withdrawal has been given to me, until the new Draft Scheme was published on the 4th of August.

6. On the 22nd of July, 1890, before the publication of the Draft Scheme, I by letter to the Commissioners, offered to purchase the school building and land at £400, and to forego my claim (which is admitted by the Commissioners in their Draft Scheme), to the sum of £476 15s. 5d., expended by me on repairs of the building, which makes the purchase money offered by me amount to £876 15s. 5d., or nearly 44 years purchase of the rent.

7. The withdrawal of the first Draft Scheme, and the substitution of the present proposal by the Commissioners, to sell the place by public auction, thus refusing to recognise my right to pre-emption put forth by me at each inquiry held by the Commissioners, appears to me to be a yielding to an unjust claimant, and places me in the unfavorable position of seeking to acquire a title to the place by competitive purchase.

I submit therefore, that this proposed action of the Commissioners is unjust towards me for many reasons, some of which are briefly as follows:—

1st.—My action of purchasing,—getting up possession of, repairing and maintaining of the property, and subsequently acknowledging the title of the Commissioners, has saved the property, which otherwise would have been acquired by others, and would have been lost to the Commissioners, entitles me to a pre-emption. The proposal to deprive me of this, and to put me to competitive purchase is unjust and unfair when my offer to purchase is liberal and reasonable.

2nd.—I am in possession with the recognition and

sanction of the Commissioners of Education, and with the approval of the Protestant Community of the County and City of Limerick, and my School is recognised and approved of by them. Nor has any claim been made, or objection lodged with the Commissioners by any member of the Protestant Community in opposition to my possession of the School premises.

3rd.—That your Commissioners have not adopted a similar course to that proposed by them in this Draft Scheme, in any other case brought before them, but on the contrary, in their Draft Schemes for the Leamy School, and the Mungret College, they have named a fixed sum at which they propose to give or sell the buildings to those in possession of them.

4th.—That a similar School-house (the Diocesan School building in Waterford), in possession of a Roman Catholic Community, was sold to them as being in possession, by your Commissioners.

5th.—That the School premises which have been now in my possession for nearly sixteen years are the only available premises for school purposes in my parish of St. Laurence, of which I am Rector since 1862, and if, as the result of the proposed sale by public auction, they should pass out of my hands, an efficient Parochial School will thereby be destroyed, a result which is entirely at variance with one of the objects for which the Commissioners were appointed.

PROPOSED AMENDMENT.

The amendment which I propose to the published Draft Scheme is.—That the Commissioners shall value the school premises, as they have done in the other Limerick cases, namely, the Leamy School Buildings, and the Mungret College land and buildings, and offer them at such valuation to me, allowing me the £476 15s. 5d. expended by me on the school premises, out of the sum named by them as the selling value; or that they accept my offer of £400 with the condition that I forego my claim to the sum of £476 15s. 5d., which I expended on the premises, for the estate and interest of the Commissioners in the land and premises, known as the Roxborough Road School, Limerick, and described in the 1st Schedule of Draft Scheme, part 4.

All which I submit as my objections and amendment to the Draft Scheme.

Dated at Limerick, this 30th day of September, 1890.

JAMES FITZGERALD GREGG,

Canon of St. Patrick's National Cathedral,
Rector of St. Laurence, and

Incumbent of Trinity Church, Limerick.

III.—JAMES QUIN, Esq., J.P., George-street, Limerick.

INASMUCH as the Rev. Mr. Gregg got possession of the Roxborough Road School in November, 1874, by unlawful means, and held it illegally, rent free, till 1st January, 1880, when he accepted at a fair rent the sum of £20 per annum, fixed by the Commissioners in Dublin; and inasmuch as such rent was practically never paid, but was allowed to the Rev. Mr. Gregg as a set-off against expenses he incurred for repairs and the like, I held that £20 a year should be calculated from November, 1874, and debited to his account.

The sum of £476 15s. 5d. Rev. Mr. Gregg claims to have expended in improvements, should be carefully

examined and vouched for, and all items, except for permanent improvements disallowed.

The School should then be put up to auction and sold to the highest bidder, and the proceeds (after paying Rev. Mr. Gregg the difference, if any, between the sums he expended in permanent improvements and the rent at £20 a year since November 1874), be applied for educational purposes in the City of Limerick.

JAMES QUIN.

1st October, 1890.

SCHEME No. 94.—THE LIMERICK ENDOWMENT FOR TECHNICAL EDUCATION.

OBJECTIONS.

I.—Rev. THOMAS HEAD, S.J., Rector of Mungret College.

Mungret College,

September 27th, 1890.

SIR,—You will oblige me very much if you inform the Commissioners of Irish Educational Endowments that the Managers of Mungret College consider the price, two thousand five hundred pounds, set on it in the new Scheme for the Limerick School of Technical Education, and the alternative rent of one hundred and twenty-five pounds a year, as excessive, and that they ask for a material reduction of these terms.

The Managers never would have taken the place in 1882, if they had foreseen they would have to buy it out, even for one fourth of the above-mentioned price, as they considered that even in renting it for seventy pounds a year, which rent, moreover, it was understood, was to be given to the pupils of the College for prizes, they ran as great a risk as they could prudently encounter, since the College had already failed twice, and could not be put in proper working order without the expenditure, even in the very first year, of considerably more than a thousand pounds, besides the cost of furnishing it.

The Managers therefore think it very hard, that now, when trusting in the validity of their lease, they have spent thirteen thousand pounds on new buildings, and other improvements, they are called upon to pay a thousand pounds more than they consider a fair price, or than they believe would be got for the place if it were in the same condition it was when they leased it from the Trustees, and were now set up for public auction.

The lands attached to the College were originally bought by the Trustees for a thousand pounds, and certainly cannot be worth more at present, as land has fallen very much in value since the time of that purchase.

It is true that the College cost a large sum to erect; but then it is quite unfit for a private dwelling, and, as far as farming purposes are concerned, it is a mere incumbrance; no farmer would take it for nothing if he were bound to keep it in repair.

It seems suited only for what it was intended, that

is to say, a College, and as a College, no one but the present proprietors could be got to take it from the Trustees, when valued in much more prosperous times than the present.

Large buildings of the kind at a distance from towns are now quite unsaleable in the South of Ireland, and even in this very County of Limerick, there are magnificent mansion houses, and vast mills erected at far greater cost than Mungret College, which the owners would now gladly sell for a tenth, or a twentieth part of the money spent in building them, but can find no purchasers.

The case of Mountshannon, the seat of the Earls of Clare, is a striking example of this. It is beautifully situated on the banks of the Shannon, about the same distance from the City of Limerick as Mungret. It is one of the largest and finest houses in Munster, and most, with its offices, have cost thirty thousand pounds at least, and probably is cost twice that sum. There is a noble domain of about nine hundred and fifty acres of excellent land attached—that is nearly fourteen times as much as the farm of Mungret College. Yet when this splendid property was offered for public sale a few months ago in Limerick the highest sum that was offered for it was only fifteen thousand pounds, which was the bare value of the land by itself. The stately mansion house, with the outbuildings, stables, and farm buildings, not seeming to add one single shilling to the price, but if anything rather to diminish it.

If Mungret College and farm were to be sold at proportionately the same terms, the most that would be got for them would be about eleven hundred pounds, which is not half the price now demanded by the Commissioners in the new Scheme for Technical Education in Limerick. The Managers, therefore, hope that a reduction of one thousand pounds will be made in this price, and a proportionate reduction in the alternative rent that has been fixed for the College and lands.

(Signed), THOMAS HEAD, S.J.,

Rector of Mungret.

II.—Rev. THOMAS BROWNE, P.P.

Lochmure, Limerick,

August 26, 1890.

SIR,—I received the Report of the Educational Endowments Commission some short time ago, and I feel myself called on to make some observations on that part of it which regards the Mungret Male National School.

I beg leave to thank the Commission for the grant of £160 for the new Male School, but I believe the Act of Parliament, and of the Lord Lieutenant of the time, had given and determined that site in 1881, as well as the Female School, with the premises annexed thereto.

The Mungret School has the first claim on the Commission, and I expected that it would provide more generously for its future efficiency. I intended that agriculture shall be taught practically at the School, and for that purpose there should be five or six acres of land at least attached to the School.

I now make this formal application on the matter, and I trust that the Commission will regard it as coming next to the intention of the original foundation, and of the present Scheme.

(Signed), THOMAS BROWNE, P.P.

SCHEME No. 95.—THE LEAMY ENDOWMENT.

OBJECTIONS.

I.—Most Rev. Dr. O'DWYER, Lord Bishop of Limerick.

The proposal to divide this Endowment seems to me necessary for the efficient working of it, but I cannot understand the principle of division. The Protestants of Limerick are one-eighth of the population, their poor are about one-twentieth of the poor, and yet it is proposed to give them one-third of the whole Endowment.

According to their numbers they are entitled to £1,500; it is proposed to give them £4,000. As far as I can see there are just as many reasons for giving them one-half the whole, or, reversing things, and giving them three-fourths of it.

It must be borne in mind that there are no special circumstances which make it reasonable to increase the amount to which they are entitled by numbers. They are not dependent on this School. They are under no necessity of accepting it at all. They have plenty of other poor schools in every quarter of the city, and within a few hundred yards of this they have Villiers' School, St. Michael's Protestant National School, and the Model School, to which they have no conscientious objection. If, then, they receive exactly the amount to which they are entitled by numbers, they can make it most useful in supplementing the income of the schools already in existence.

Besides, it should be remembered that, speaking broadly, the four or five thousand Protestants are the wealthy part of the population, and that it is obviously unfair to increase their portion at the expense of their poorer fellow citizens.

I should wish also to recall to the minds of the Commissioners the evidence given before them, and Lord Randolph Churchill's Commission, in reference to Villiers' Charity, and Hall's, by which it will be seen that, in the opinion of the heads of the Protestant Body, their existing school accommodation is simply sufficient.

The Commissioners have determined that this Endowment shall be applied, according to the terms of the Will under which it was created, for the education of the poor. Whereas all the evidence, or the greater part of it given at the two last inquiries here, went to show that the Protestants of Limerick do not want it for such a purpose, but desire to employ it in establishing a classical school for the rich.

Hall's Charity has been diverted from educational to other benevolent purposes, because there were not poor Protestants to avail of it. The same, in fact, is true of Villiers'. On what ground, then, can the Commissioners assign to them nearly three times the

amount of this Leamy Endowment to which by their numbers they are entitled?

2. Whatever division be made of the money, I think the school premises, in the first instance, ought to be offered to the Catholic Board. The reasons given by Dr. Molloy in his memorandum seem to me conclusive; but, in addition, I wish to inform the Commission that I am at this moment under the necessity of providing school accommodation in this very district for over four hundred children. This cannot be done at a less outlay than £2,000, and I ask, is it not a waste of public money, in a poor place such as Limerick, to hand over premises capable of holding 400 pupils to a body who are required to keep in it only 30, and then to require another body to spend £2,000 in providing the exact amount of accommodation that is lying unused here? It appears to me simply absurd. One would think that the school ought to be given, in the first instance, to those who had the greatest need of it; yet the Commissioners, while assigning to the Catholics twice as large an amount for a building fund as they allow the Protestants, yet, in the first instance, offer the school to them and not to us.

I regret that the Commissioners did not think well to consult me as to the constitution of the Catholic Board. It is an invidious thing to find fault with individuals, but some of the clergy will, I am sure, have no objection to my suggesting others whose position in the city makes them more suited for the discharge of such a trust.

I would suggest also that whichever Board gets the school premises should be put under terms to maintain them in proper condition, and that the minimum average attendance of poor pupils should not be less than 100.

Taking the whole Endowment then to be worth £12,000, the Protestant Body are entitled at the outside to £1,500. The rest of the endowment money and buildings should go to the Catholics.

Some point is made out of the statement that Leamy was a Protestant. Should the Commissioners think it of any consequence, having regard to the terms of his will, which makes no reference to any denomination, I shall be able to submit evidence that he was a Catholic, there being still living in this city Catholic members of his family.

(Signed), **✠ EDWARD THOMAS,**
Bishop of Limerick,

22 September, 1890.

II.—Most Rev. Dr. O'DWYER, Lord Bishop of Limerick (Suggested Amendment.)

St. Munchin's College,
Limerick House, Limerick,
30th September, 1890.

DEAR SIR,—I should wish to suggest instead of the Dean and the Parish Priest of St. Mary's as members of the Catholic Board for Leamy's, the Administrator of St. Michael's Parish, which is the largest and most

populous in the city, and in which Leamy's School is situated, and the Administrator of St. John's, which is the next largest, and contains a large proportion of the poor and working classes.

(Signed), **✠ EDWARD THOMAS,**
Bishop of Limerick.

III.—THE EXISTING GOVERNING BODY OF LEAMY'S SCHOOLS.

The Board of Governors of Leamy's School have met and considered the Draft Scheme issued by the Educational Endowments Commission for the future management of that foundation. They considered that the Commissioners in their treatment of it have

adopted a policy which is unjust, and destructive of an institution which has for many years done good work under schemes approved by two Lord Chancellors of Ireland.

Although the facts bearing on this case have been

fully brought before the Commission, they do not appear to have received due consideration. The Governors therefore think it right to state them again.

Mr. William Leamy, a Protestant, bequeathed the residue of his property, in 1814, to Protestant trustees, to be employed by them for the education of the poor in Ireland, principally those in and about Limerick City; or, as his executors, in their better judgment, should deem most to give his bequest the most extensive efficacy. The executors did not act, whereupon the estate was administered in the Court of Chancery, and a scheme was drawn up, approved of by the then Lord Chancellor, and in accordance with what was believed at the time to have been the wish of the founder. Leamy's School was thus established in 1842. A course of elementary instruction was laid down, power being granted to extend it should funds permit, with the approval of the Lord Chancellor, and the scheme provided that part of the daily instruction should consist in reading the Holy Scriptures without note or comment; and for that purpose the scholars should, during an hour each day, be placed in two separate rooms—the Protestants in one room and the Roman Catholics in another, the latter reading such portions of the Holy Scriptures as were read in National Schools under the title of *Scripture Lessons*.

Both Protestants and Roman Catholics attended the school, and at the close of 1844 the latter formed twenty-five per cent. of the whole number of scholars. In consequence of an order issued in 1885 by the authorities of the Roman Catholic Church in Limerick, so many pupils of that persuasion were withdrawn, that the average attendance, which in June was 139, sank in the September following to 91. The Roman Catholic members of the Board have not since attended a meeting of the Governors. The present Roman Catholic bishop stated to the Commissioners that he would not tolerate mixed education in any form, and this we believe to be the sole reason for the continued absence of so many Roman Catholic children and the Roman Catholic Governors. The school, whilst strictly conducted in accordance with the Scheme of 1842, approved and amended by the Scheme of 1874, also sanctioned by the Lord Chancellor of the time, has therefore become for the past few years practically a Protestant school, though, as far as the management is concerned, Roman Catholics have the same advantages as ever; and, as a matter of fact, a few Roman Catholics still continue to attend the school.

As it is owing to the recent action of the authorities of the Roman Catholic Church that the School has been made practically Protestant, we do not consider it just for them to come forward now and demand a division of this Endowment in proportion to the relative numbers of Protestants and Roman Catholics, or in any other proportion. Their right (and their only right) under the schemes as interpreting and administering Leamy's Will is to receive all the educational advantages that Leamy's School is able to give them, and those advantages are as open to them now as ever they were. The Commissioners in dealing with Leamy's School have adopted a method of dealing with mixed Endowments which has not hitherto been accepted as just, and which leaves these Endowments at the mercy of any disaffected party. The Commissioners appear to think that any party which participates in the benefit of a joint endowment may refuse to avail themselves of its advantages, and on withdrawal demand a share of the Endowment for its separate advantage. If this principle be carried into effect, no mixed institution in the British Empire would be safe, whilst in Ireland especially, all mixed institutions from Trinity College downwards would be doomed to destruction, and the Protestants of the South and West of Ireland might be hopelessly deprived, owing to their being in a minority, and for no other reason, of all Endowments in which they have an interest.

Having adopted this principle, which appears to

to be an unjust one—the Commissioners propose to act as follows: The institution known as Leamy's School, a brick building, which dates from about 1842, and for which £40 ground rent is paid, is valued by them at £1,000. The money portion of the endowment is in round numbers £10,000 Government stock. The new Scheme gives the Protestants the option of retaining the buildings (still subject to the rent of £40 per annum), together with a sum of £2,000 of this stock. The remainder—some 28,000—is to be devoted to the purposes of Roman Catholic Education exclusively. The interest on the £2,000 Government Stock would not pay the rent and maintain the building in repair. There would be nothing left to pay a master, a mistress, or even a monitor. The forty poor Protestants now provided with a free education, and others receiving instruction at a very low rate, would then be deprived of these advantages. The Institution known and carried on for the last fifty years as Leamy's Free School, would be deprived of the funds provided by Leamy for the payment of teachers and the maintenance of the Institution which hitherto has preserved his name and commemorated his charity.

It is not necessary to destroy Leamy's School in order to provide educational advantages for poor Roman Catholics. The State has made ample provision for the instruction of the Roman Catholic poor, from which none are excluded unless those who exclude themselves. It is worthy of remark that no objection has been made to the character of the teaching conducted in Leamy's School.

It seems an extraordinary proposal to deprive the Protestants of Limerick of the educational advantages provided by Mr. William Leamy because they do not overcrowd the building. The Scheme, in order to provide some grounds for its action towards the Protestants, states that Leamy's Schools are capable of accommodating 400 pupils, but that the average attendance has been always small, having hardly ever reached 100. These statements are not correct. As mentioned already, when the Roman Catholics withdrew, the average attendance was 139. The accommodation is much overstated. The schoolrooms are all of the same size, and each would be inconveniently full with more than 60 pupils. There have always been pupils enough on the Girls' side to render it advisable to employ two schoolrooms; and on the Boys' side all the present accommodation would be required for additional courses of instruction.

The Board of Governors of Leamy's School are unable to reconcile the proposals of the Commissioners with the intention and working of the Act of Parliament which created the present Educational Endowments (Ireland) Commission, whose duty it is, according to the preamble of that Act, to "increase the usefulness of endowments," not to dissipate or destroy them. The Commissioners even appear to have gone out of their way to deal with this Endowment in an exceptional manner, and not in accordance with the mode of procedure they have hitherto adopted. Dr. Traill, one of the Commissioners, and therefore qualified to speak on a matter of fact, states in his protest that "when a Roman Catholic donor has left money to Roman Catholic Trustees, and has left his Educational Endowments open to all denominations, the Commission has not dared to propose a division of the funds, or to give a portion to Protestants for their own purposes," and gives instances of such endowments.—Hercy's Endowment at Mullingar, and Dempsey's Endowment at Kells.

In striking contrast to the manner in which the Commissioners have dealt with Leamy's School, we may refer to the Draft Scheme for what is called the Limerick Endowment for Technical Education, but which in reality is a Scheme for placing the Jesuits in the possession of certain lands and buildings at a nominal charge, and securing this possession to a body not recognised by the law of the land. Sums of money amounting to £4,000 given by a London

Relief Committee for the alleviation of distress in 1832, largely supplemented by public funds, were set apart for the teaching of Agricultural Sciences. A sum of £8,500 was employed in acquiring seventy acres of prime land, and in erecting the splendid buildings of Mungret, to be carried on as the Mungret Agricultural School and Model Farm. The buildings and the land are now in possession of the Jesuits, who have made large additions to the original buildings, and employ them, not for the purpose of giving instruction in Agriculture, but for the training of Missionary Priests of that Order. A rent of £70 a year was nominally paid to the Trustees which was always returned, "receipts being exchanged."

The Jesuits are by the Scheme left undisturbed in the possession of the land and buildings. The College of Lown limestone, built about the year 1858, and the seventy acres of excellent land, all costing originally £8,500, are left to the Jesuits at a valuation of £3,500.

The fifty-year old brick building of Leamy's School, subject to a ground rent of £40 a year, is valued for the Protestants at £2,000.

The Board of Governors are of opinion that Leamy's Endowment is being applied substantially as Leamy intended it should, and in accordance with Schemes approved by two Lord Chancellors. But in view of the Commissioners determining to carry out their intention of dividing the Endowment, the Governors consider themselves justified in claiming such a portion of it, together with the schoolhouse, as would not only enable the future school Board to pay the £40 rent on the building, and to keep it in repair, but also to secure at least minimum salaries for male and female teachers, and to maintain efficiently an institution of great advantage to many poor Protestants of the county and city of Limerick, and by which the name and hereditary of Leamy may continue to be worthily commemorated.

THOMAS BURNERY, Chairman,
JAMES DOWD, Secretary.

Board Room,
Leamy's School,
Sept. 10th, 1850.

IV.—JAMES QUINN Esq., J.P., George-street, Limerick.

I am very glad to find the Commissioners recognise that to give proper efficacy to the Leamy Trust, denominational education is necessary and that Catholics are entitled to separate enjoyment of their own share.

But I fail to perceive by what principles the Commissioners have been guided in treating the several schemes before us.

I hold that the only legitimate principle of division in the proportion of Catholic to Protestant poor, that any division that would assign to Protestants more than would thus be their strict share, would be guided by liberality on the part of the Commissioners, rather than justice, and that such liberality ceases to be laudable or even lawful when it becomes lavish. Now in the case of the Leamy Endowment the liberality of the Commissioners takes the shape of giving to the Protestants in excess of their due share a large sum, which we contend, and the evidence proves, that they do not want for the purposes specified by Leamy; and taking the same large sum from the Catholics whose urgent needs the whole endowment would be miserably inefficient to meet.

Again I am at a loss to know why the first offer of

the School buildings should be made to the Protestant Board, in face of the fact that they have abundant school accommodation in that neighbourhood, whereas we, the Catholics, at the present time have pressing need of a school in that district for quite as many children as "Leamy's" can contain. And surely if an Endowment is to get its widest efficacy, a building capable of holding 400, must not be handed over to a body, who have no hope of ever filling more than one-fourth of it, and who besides have no need of it, while on the other hand £2,000, one-fifth of the cash of the Endowment, is thrown away on brick and mortar.

Lastly it appears to me very strange, that in order apparently to justify this extraordinary disposal of the buildings a minimum attendance of 50 is fixed, and no provision is made that these children, or indeed as far as I can see any portion of them, must be poor, whilst it is well known that the Catholic Board would find no difficulty in keeping in the School at least 250 children of the very class Leamy intended to benefit.

JAMES QUINN.

1st October, 1850.

V.—W. WILSON MERCER, Head Master, Leamy's Free School.

The objection of the Head Master of Leamy School, Limerick, to the Draft Scheme for the administration of the Leamy Endowment humbly sheweth:—

That Petitioner has been Head Master of the Leamy School since 1844, and since that time has conducted the School successfully as evidenced by the annual report of the Inspector, and the attendance at the school. That petitioner has been granted the sum of £100 as compensation for his vested interests, such compensation being estimated as the net salary of the Head Master. Your petitioner begs that the Commission will reconsider the amount of compensation, as he considers it altogether inadequate, and not in

accordance with the spirit of the 11th section of the Act, nor with the previous practice of the Commissioners in dealing with Head Masters; and also he wishes to remark that besides the standing salary of £100 there are attached to the Head Mastership gratification fees of £1 on each pupil over twenty (which amounted in the year of the passing of the Act to £36) and a residence, &c., valued at £25 a year.

W. WILSON MERCER,
Head Master.

October 3, 1850.

VI.—Miss MARY MERCER, Head Mistress, Leamy's Free School.

Leamy School, Limerick,

October 3, 1850.

GENTLEMEN,—I beg to submit for your consideration the following facts with reference to the proposed Scheme for Leamy School.

For the past eleven years, since my appointment as Head Mistress, there has never been an unfavourable report at the yearly examination, nor the slightest complaint about the teaching or management from the Governors or parents.

My school has always maintained a large attendance, and if left undisturbed would, I feel confident, still keep up its present number.

The two under teachers have also been here a long time, and have always been satisfactory in every respect.

You have proposed in the Scheme to grant us a year's net salary, which in my case would be £50. In addition to this I have been allowed capitation fees, which in the year 1885 amounted to £41, and

in subsequent years have been on an average £50. Besides this, house, coal, and light, valued at £25, making a total of almost £100 a year.

It is a serious matter to us to lose our situation, after so many years of faithful work, through no fault of ours, and I most respectfully beg that you will kindly re-consider our claims to a larger amount of compensation.

(Signed), MARY MERRIN.

VII.—SAMUEL MOORE, Assistant Master, Leamy's Free School.

Leamy School, Limerick,
3rd August, 1890.

SIR,—I respectfully submit that the compensation offered me is insufficient. I therefore offer my protest against it.

The Secretary, Educational Commission, Dublin.

(Signed), SAMUEL MOORE.

JOINT OBJECTIONS TO SCHEMES NOS. 20, 24, AND 25.

I.—THE DIOCESAN COUNCIL OF LIMERICK.

The Council of the Diocese of Limerick, representing the members of the Church of Ireland in this Diocese, having considered the Draft Scheme of the Educational Endowments Commission relating to Leamy's School, Roxborough School, and Mungret College, begs leave to submit to the Commissioners the following objections:—

I. With reference to Leamy's School Endowment, the Council objects to the Scheme (a) because it would be destructive of an Institution which has for a considerable period been a useful Educational Establishment in the City of Limerick, available for both Protestants and Roman Catholics.

(b) Because the proposed plan, instead of being in accordance with the spirit of the Act of Parliament creating the Commission, is opposed to it, destroying an Educational Establishment by dividing its Endowment, instead of seeking to increase its usefulness. The only reason assigned for any division being the recent non-attendance of Roman Catholic children, entirely caused by the action of the authorities of the Church of Rome.

(c) Because the division as proposed, gives to the Roman Catholics £8,000 of the Endowment of an Institution representing the charity of a Protestant donor, which from its foundation has been undenominational, while it leaves to the Protestants the building and a fund insufficient to pay the rent and repairs, with nothing to provide an educational staff.

The Council, therefore, in case the Commissioners should adhere to their proposal to divide the Endowment, claims that the buildings, together with a sufficient consent to maintain the Institution efficiently, be given to the Protestant Board.

II. With reference to Roxborough Road School Endowment, the Council objects to the Draft Scheme of the Commissioners, inasmuch as it offers that Schoolhouse to Public Auction, though it has always been in Protestant hands, is a useful Educational Establishment, and is occupied by the present Manager with the knowledge and assent of the Commissioners of Education. The Council submits that it would be not just for the Educational Endowments Commis-

sioners to act on the principle by which they have been guided in the case of the Waterford Diocesan School and other similar instances, and to offer it to the present Manager at a valuation to be made by the Commissioners themselves.

III. With reference to the Mungret College Endowment, the Council regrets that the buildings and lands granted originally for Agricultural Education have been diverted to other purposes. If, however, the original trusts can be carried out in no other way than by a sale to the present Lessee of the land and buildings, and the allocation of the purchase money to those trusts, the Council objects to the very low sum proposed by the Commissioners as the purchase money of the buildings and land,—namely, £2,500, whereas they originally cost £10,821, as appears from the Report of the Royal Commission of Enquiry (Primary Education, 1870), page 872, sec. 199, where it is stated "The residence and school buildings are distinguished from the farm offices and cost £7,954." And on page 873, sec. 209, that "the farm buildings, independent of the residence and school buildings, cost £3,247," making a total of £10,821, to which should be added £1,000 paid for 70 acres of land held in fee.

The Council would therefore ask the Commissioners to re-consider this portion of their Scheme and to put a higher value on the land and buildings.

On the whole the Council is of opinion that the principles of the schemes in question are irreconcilable with the principles of justice, and with those which seem to underlie schemes already issued by the Commissioners in analogous cases. And while the Council has no intention of demanding more than what is due to the members of the Church of Ireland, whom it represents, it would firmly maintain what it considers their just rights, which, in the Council's opinion, are being ignored in the Draft Schemes now under consideration.

THOS. BUNNETT, Chairman.
EDWARD GLENNY, Secretary.

Diocesan Council Room, Limerick,
September 30, 1890.

II.—THE DEACONS' COURT OF THE PRESBYTERIAN CHURCH, LIMERICK.

The Deacons' Court of the Presbyterian Church, Limerick, having considered the Draft Scheme of the Educational Endowments Commission relating to Leamy's School, Roxborough School, and Mungret College, desire to place on record their opposition to said Scheme.

They concur in the objections stated and the views expressed by the Board of Governors of Leamy's

School, and by the Diocesan Council of Limerick, in reference to all the Endowments embraced in these Schemes.

They express an earnest hope that the Commissioners may be pleased to reconsider their Scheme and give effect to the objections and proposed amendments.

Limerick, September 23, 1890.

III.—OFFICIALS OF THE CONGREGATION WORSHIPPING IN WESLEY CHAPEL.

We, the Officials assembled in Quarterly Meeting, representing the Congregation worshipping in Wesley Chapel, George Street, desire to enter our earnest protest against the Draft Scheme drawn up by you for the Diocesan, Mungret, and Leamy's Schools, in the City of Limerick, so far as they seem to sanction the giving unsectarian funds to any one particular denomination for its sole and undivided use. We point out that this will inevitably be at the expense and to the detriment of the smaller denominations, who will thus be deprived of their citizen rights of sending their children, as at present, to an undenominational school, where the conscience clause is respected and kept inviolated.

With regard to the Diocesan School, we claim that the right of PRIVATE use shall be extended to Canon Gregg, as in the case of the Jesuits at Mungret, at a fair valuation. With regard to Leamy's School, we object most strenuously to the handing over of Protestant funds to be administered by Roman Catholics, and we point out the fact that any withdrawal of the

present funds, or a part of the present funds, from the establishment, most inevitably tend to close its doors against our children and the children of those who agree with us in demanding unsectarian education, and to wreck the present admirable system of education carried on there.

With regard to Mungret Agricultural College, we draw attention to the fact, that according to the Primary Education Commission Report of 1870 (pp. 372-3, para. 199 and 209), the cost of that building, with the farm and lands attached, cannot be less than £10,871, and as this Commission has endorsed the right of the public to all this at a fair valuation, we suggest that £12,000, or £125 per year, is not an equivalent, and does not satisfy justice or public rights.

Signed on behalf of Meeting,

SAM. A. ROBERTSON, Minister.
WM. CHRISTY.
BENJ. BARRINGTON.

IV.—THE CONGREGATIONAL CHURCH, LIMERICK.

We, the Church and Congregation worshipping in Catherine-place, Limerick, beg to call your attention to the grave dangers which threaten our rights as citizens, and all who may agree with us in our opinion on the matter of education, in your Draft Scheme of August 4th, 1890, concerning the Leamy's School, Mungret College, and Roxborough Road School.

The purpose to take £8,000 of Protestant and Unsectarian money and turn it to Denominational and Roman Catholic uses under a Roman Catholic Board, we believe to be against the law of the land as it stands at present, and detrimental especially to our interests, and that of kindred Churches who agree with us in demanding undenominational education, and especially that unsectarian funds shall continue to be administered in an unsectarian manner. We particularly call your attention to the Report of your predecessors, Her Majesty's Commissioners in 1858, the earliest record we can find on the subject (Report of Endowed Schools Commission, Vol. III., Table No. I., p. 346) in which it is stated that Leamy's School is established for such "as may be willing to take advantage thereof," plainly implying that the founder, so far as his mind is expressed in the Charter Scheme, was not unconscious of the religious difficulty, but only wished to open the doors of the school to such as cared to sink their religious differences and voluntarily avail themselves of the privilege offered. We claim, therefore, that the Endowment shall so continue to be administered without special favor to any particular denomination, so that no fault or failure of efficiency having been proved before your Commission, the only change being made in the direction of accepting the new Scheme of Governors recently nominated by you.

We plead that as the money is Protestant money it

should remain in its entirety in Protestant hands; and we further claim and demand the full use of the whole Endowment and school buildings for our children so far as they may need them, and that in a way in which their religious convictions shall be in no danger of being tampered or interfered with.

With regard to Mungret Agricultural School, we note with thankfulness your recognition of the public claims to the farm, land, residences, and school buildings, but we believe your valuation of £7,500 to be below the mark. We refer to the Report of the Royal Commission of Inquiry (Primary Education, Ireland, 1870), in which the residences and school buildings "as distinguished from the farm offices" are said to have cost £7,354 (p. 373, para. 199), and "the farm buildings independent of the residences and school buildings" to have cost £3,267 6s. 7d. (p. 373, para. 209). We claim that the whole of this public interest, whatever it may be, shall be brought out at a fair valuation and handed over in its entirety to the "Limerick Endowment for Technical Education" by the Jesuits if they are to remain in occupation at Mungret.

In the case of both Mungret College and Roxborough Road School, we urge that the present occupiers shall have the first right and offer of purchase, and that, in both cases alike, the sale shall be negotiated privately and in the same friendly and fair spirit as towards both.

Signed on behalf of the Church and Congregation,

WALTER BAKERDALE, Pastor.
GEORGE BOYD, Deacon.

September 24th, 1890.

V.—THE CONGREGATION WORSHIPPING IN BEDFORD ROW METHODIST CHURCH.

We, the Officials representing the Congregation worshipping in Bedford Row Methodist Church, assembled in Quarterly Meeting, desire to enter our earnest protest against the Draft Scheme drawn up by you for the Diocesan, Leamy's, and Mungret Schools, in the City of Limerick, so far as they seem to sanction the giving of the unsectarian funds to any one particular denomination for its sole and undivided use. We point out that this will inevitably be at the expense and to the detriment of the smaller denominations, who will thus be deprived of their citizen rights of sending their children, as at present, to an un denominational school, where the conscience clause is respected and kept unviolated.

With regard to the Diocesan School, we claim that the right of priests *sui* shall be extended to Canon Gragg, as in the case of the Jesuits at Mungret, at a fair valuation.

With regard to Leamy's School, we object most strenuously to the handing over of Protestant funds to be administered by Roman Catholics, and we point out the fact, that any withdrawal of the present funds from that establishment must inevitably tend to close its doors against our children, and the children of those who agree with us in demanding unsectarian

education; and to wreck the present admirable system of education carried on there.

With regard to Mungret Agricultural College, we draw attention to the fact, that according to the Primary Education Commission Report of 1870 (pp. 872-3, para. 199 and 200), the cost of that building, with the farm buildings and land attached, cannot be less than £10,881, and as the Commission has endowed the right of the public to all this at a fair valuation, we suggest that £2,500, or £125 *per* acre, is not an equivalent, and does not satisfy justice or public rights.

Signed on behalf of the Meeting,

SAMUEL T. BOYD, B.A., Methodist Minister, 34, Henry Street, Limerick,	} Chairman.
WILLIAM NIELSON, 61, William Street,	
ROBERT FLANNA, 121, George Street.	} Circuit Stewards.

September 25th, 1890

No. II. (b.)

Referred to in Evidence, p. 50.

OBSERVATIONS BY DR. MOLLOY, ASSISTANT COMMISSIONER, ON THE DRAFT SCHEME FOR THE LEAMY ENDOWMENT.

I agree with my colleagues on the general principle of the Draft Scheme for the Leamy Endowment; but I do not agree with them in the proposed distribution

of the endowment between the Catholic and Protestant boards.

I.—OBJECTION TO THE AMOUNT OF THE ENDOWMENT allotted to the PROTESTANT BOARD.

The scheme, as it stands, proposes to give the Protestant Board a choice between these two alternatives:—

(a.) The school buildings, together with the income derived from £2,000 of the funded endowment;

(b.) The income derived from £4,000 of the funded endowment, without the buildings.

The funded endowment is worth about £10,000,

and the buildings are estimated to be worth about £2,000, making in all an endowment of about £12,000 for the education of the poor of Limerick. The scheme, therefore, practically proposes to give one-third of the whole endowment to the Protestant Board. Considering that the proportion of Protestants to Catholics in Limerick is as one to eight, and that the Catholic population is poorer than the Protestant, I think that the proportion of the endowment thus assigned to the Protestant Board is excessive.

II.—OBJECTION TO THE ALLOTMENT OF THE SCHOOL BUILDINGS to the PROTESTANT BOARD.

I think it is a mistake, from an economical point of view, to allow the Protestant Board the option of taking the school buildings. It is morally certain they cannot fill the buildings with pupils, and it is equally certain that the Catholic Board can fill them to overflowing. The buildings afford good accommodation for about 400 children. During its past history the school has never had an attendance of even one hundred, though it was supported by the whole income from the funded endowment, and, being nominally managed by a mixed board, was always frequented by a small number of Roman Catholics. Under the new scheme, it will be in name and reality a Protestant school, and will receive only a portion of the income from the funded endowment; the attendance, there-

fore, is likely to be less in the future than it has been in the past. Hence the proposal to give the school buildings to the Protestant Board amounts practically to a proposal to leave them in great part idle; to restrict their use to the education of less than one hundred poor children, when they could be made available for the education of four hundred. Such an arrangement might be defensible in a town where the school accommodation for the poor was in excess of the requirements; but in the present condition of the City of Limerick, it seems to me simply wasteful.

GERALD MOLLOY.

July 28, 1890.

2 C

No. II. (c.)

See Evidence, pp. 30, et seq.

LIMERICK ENDOWMENTS.—PROTEST BY ANTHONY TRAILL, ETC., ASSISTANT COMMISSIONER.

I cannot accept the conclusions at which my brother Commissioners have arrived with respect to the Limerick Endowments, Margret College, Lenny's School, and Roxborough Road Diocesan School. The Schemes dealing with these Endowments do not follow the same principles, nor are they in accordance with principles already adopted by the Commissioners in analogous cases. The only principle in which they all agree is, what I consider to be, "unfair treatment of the Church of Ireland."

I.—The Diocesan School Buildings have always been in the occupation of members of that Church; the former income having been supplied by a tax on the clergy of the diocese. These buildings became practically ruinous and needed some fifteen years ago, when Rev. Mr. Gregg obtained possession of them, on payment of the sum of £20 to the then occupier, the widow of the last schoolmaster, Rev. Mr. Hall. He subsequently voluntarily placed himself under the "Commissioners of Education" as their yearly tenant, at a rent of £20 a year, and has since expended large sums in the repair and maintenance of the buildings. He has a large school there now, in which 75 per cent. of the children are children of parents both of whom were Protestants, and the remaining 25 per cent. are the children of mixed marriages. This Commission published a Scheme recognising Mr. Gregg's right of occupancy in the first instance, to the extreme extent of not even allowing "The Commissioners of Education" to disturb him except for non-payment of rent—but has now published another Scheme depriving him of that right, and giving the power of evicting him to any person who may outbid him for the premises, at an auction. This appears to me to be a surrender to an absurd outcry about jacobitism got up against Mr. Gregg by the Roman Catholic Bishop and Priests of Limerick, though they entirely failed to prove the charge at the public sitting of the Commission in Limerick, while, at the same time, it was proved that they themselves made quite as energetic attempts to get hold of the children of mixed marriages. By the new Scheme Mr. Gregg will be deprived of the position which he now enjoys, as tenant from year to year, at £20 rent, to "The Commissioners of Education," by whom he was not in the least likely to be disturbed.

On the other hand, the Diocesan School of Waterford, always formerly occupied by members of the Church of Ireland, has been sold to the French Christian Brothers, where this Commission found in occupation under a promise of a lease from the Corporation of Waterford. They had expended considerable sums in the repair of the building, and their right of occupation, at a rent, was recognised.

In my opinion, Mr. Gregg should be offered the buildings at Roxborough Road at £400, being twenty years' purchase of his present rent, or he should be continued as tenant to "The Commissioners of Education," as he has hitherto been, and they should be allowed to fix the price at which he might purchase the place, and they alone should have the power of dispossessing him. If this be not done, this Commission will be turned into a tribunal for deciding on the merits of religious quarrels, instead of being an impartial tribunal for the administration of equal justice to British citizens, without reference to any such questions.

II.—Lenny, a Protestant, left his money (now some £10,000, besides the school buildings) to Protestant trustees (of whom one was the father of Baron Fitzgerald), to provide education for the poor of Ireland, and especially for those of the city of Limerick. His

wishes were carried out for a number of years, by means of a Scheme of Obedience, under a mixed governing body, and the school was used by children of all denominations. The ecclesiastics of the Roman Catholic Church, for reasons of their own, denounce mixed education, they proceed to boycott the school, and when they have succeeded in reducing it to a Protestant school, they make an outcry, and demand to have the endowment divided, and to get a portion corresponding to their number in the general population. Since Lenny's time, the nation has supplied ample funds for the primary education of the poor, so that it is no longer necessary to limit the application of Lenny's Endowment to this purpose—a somewhat higher class of education, such as is now being supplied in Lenny's School, is much more required in Limerick, than mere primary education. In my opinion, if the demand of the Roman Catholic ecclesiastical authorities is to be yielded to at all, it should in this case only be to such an extent as to leave it possible to carry on an efficient school. Salaries for male and female teachers should be provided on the minimum principle, irrespective of the relative proportions of the different denominations in the general population, and for this purpose at least one-half of the present endowments would be necessary. It is admitted on all hands to be an efficient school at present, with a very efficient staff of teachers. The preamble of our Act prescribes the duty of our Commission to be "to increase the usefulness of endowments, and yet the Scheme now put forward dealing with this endowment proposes to wreck a school which is in good working order, to dismiss the teachers, without recognising that they have any vested interests (in spite of a special clause in our Act, compelling us to recognise vested interests), practically disarming on behalf of our Commission that though these teachers are secure in their incomes under their present employers, an outside and hostile body may dismiss them without compensation while doing good and useful work, and then it proposes further to "increase the usefulness" of this school by transferring two-thirds of its endowment to other schools, under the exclusive control of a denomination to which the founder never belonged.

When a Roman Catholic donor has left his money to Roman Catholic trustees, and has left his educational endowments open to all denominations, this Commission has not dared to propose a division of the funds, and to give a portion to Protestants for their own purposes.

It is sufficient to mention two such endowments—Hervey's Endowment at Mullingar, and Dempsey's Endowment at Kells.

If a narrow interpretation of the words of a founder's will can be made to hit the Church of Ireland, it seems to be quite allowable to interpret them thus, but if the obvious meaning of such words in some other case would benefit the Church of Ireland, it is not to be entertained for a moment; e.g., this Commission framed a Scheme for the management of an endowment left by Solomon Walker, a Primitive Methodist, in strict communion with the Church of Ireland, who directed that the children in his school should be taken to the parish church every Sunday morning, and to the Methodist services in the afternoon. The Scheme of this Commission has handed over the control of this endowment to the Wesleyan Methodists, who refuse to recognise the Church of Ireland, and Solomon Walker's express direction has been departed from. I cannot consider that equal justice is meted out in these cases to the Church of Ireland.

III.—With regard to Mungret College, a State endowment for agricultural purposes solely, with splendid buildings and seventy acres of the prime lands of Limerick, worth originally £7,000, is proposed to be handed over by the Scheme of this Commission for the sum of £2,500 to the Jesuits who are in possession under a lease, the terms of which they have violated. They were bound by that lease to establish a School under the Intermediate Education Act of 1878, to give practical instruction in agriculture, and to carry on such School according to the terms of the Scheme annexed to the Order of the Lord Lieutenant. Instead of this they have created an establishment for supplying chiefly Missionary Priests for the Home and Foreign Missions of the Church of Rome, and have entirely neglected and put an end to the study of Agriculture in the institution.

The Scheme omits to state the fact that the present occupants of the "Mungret Agricultural School and Model Farm" are Jesuits, some of them apparently refugees from France, and that some £10,000 belonging to that Order have been expended upon new buildings and alterations of old ones, apparently without legal sanction or legal security.

The Scheme has the innocent looking title of "The Limerick Endowment for Technical Education." The present Trustees of the Mungret Agricultural School, with the addition of a few others, are incorporated as if in some way or other they were supposed to preserve that institution and carry out some at least of the trusts for which it was created, but one simple clause deprives them for ever of the property and gives them

in lieu thereof the sum of £2,500, or a yearly rent of £125. By this means the practical result of the Scheme is to establish the Jesuits, an illegal body, in a valuable piece of public property, under the sanction of an Act of Parliament, and to leave them without any control whatever by the State. I think Parliament should be consulted before such a Scheme gets the sanction of law.

Furthermore, this Scheme does not provide for the inspection required by the Act under which this Commission is constituted, in the case of those schools which are to receive a share of "The Limerick Endowment for Technical Education," most of which would certainly refuse to be subject to State inspection of any kind.

I cannot see the fairness of charging the Protestants of Ennisclilla £7,000 for the buildings of The Royal School, when the buildings are similar to those of Mungret with only thirty acres of land attached, though under the new Board these premises are to be used, as hitherto, for Secular and Intermediate Education, while the Mungret premises are to be handed over for £2,500 for the use of an Order not recognised by law in this country, and one expelled from most of the Roman Catholic countries of Europe.

Special pleading may furnish specious protests for this unequal treatment, but I cannot think that these Limerick Schemes, when considered together, will recommend themselves as satisfactory, to impartial minds.

ARMOUR TRILL.

5th August, 1890.

SCHEME No. 85.—THE CARYSFORT ROYAL SCHOOL ENDOWMENT.

No. III. (a.)

See Evidence, p. 45.

OBJECTIONS AND AMENDMENTS TO THE DRAFT SCHEME.

I.—Right Hon. The EARL OF CARYSFORT, REV. R. C. HALLORAN, Rector of Arklow, REV. WM. HARRIS, Methodist Clergyman, ALEX. TAYLOR, Esq., J.P., and the MEMBERS of the ARKLOW SELECT VESTRY.

1. We object to the Town Commissioners of Arklow being represented by two elected Trustees in addition to their Chairman, an *ex-officio* Trustee.

2. We propose as an amendment that the Town Commissioners of Arklow shall be represented by their Chairman, an *ex-officio* Trustee, and that they shall not have power to elect any representative Trustee.

3. We propose that one representative Trustee shall be elected by the registered owners of trading ships or vessels who reside in the town of Arklow, or within a radius of three statute miles from the town of Arklow.

4. We object to the number of Trustees to be elected by subscribers being limited to three.

5. We propose as an amendment that the total number of such additional representative Trustees shall not exceed four.

(Such amendments would not alter the total number of the Board of Trustees.)

6. We propose as an amendment to clause B of paragraph 14, page 8, that each subscriber to the funds of the Technical School shall be qualified and entitled to record one additional vote for each additional one pound contributed during the year in which such subscription has been paid (except in the case of a £10 donation in one sum), which secures to the donor qualification and right to vote for Trustees to represent subscribers during life.

7. We object to the Trustees having power to grant the use of the Technical School premises for educational or other purposes on Sundays.

8. We propose as an amendment that the first line of clause 26 on page 11 shall read "At all times except on Sundays, when the buildings of the Technical."

II.—Right Hon. The EARL OF CARYSFORT.

(Private.)

Glenart, Arklow,
May 31, 1890.

DEAR MR. PHILPOT,

I think your letter includes most of the points which were objected to at the meeting the other day.

I would, however, suggest a slight alteration in clause 8, page 8, so that the possessor of the Carysfort property in this neighbourhood should be qualified as a trustee, and that it should not be made in any way dependent upon his succeeding to the title.

It might be desirable to inform the Commissioners our reasons for objecting to the scheme in its present form, and what are our views in proposing the alterations contained in your letter.

As the scheme at present exists it places the management entirely in the hands of the Roman Catholic body, and excludes the representation of the Protestants being otherwise than in a minority, even if all three representatives of the subscribers were Protestants.

According to our suggestions we have taken our

stand upon the principle that the representation on the Board of Trustees shall be equal as regards Protestants and Roman Catholics, and that the subscribers will determine which are to be in the majority.

If left as the scheme has been placed before us, without there being any representation of the Protestants being in a majority, the Technical School would be strictly a Roman Catholic one, and the Protestants would not be likely to subscribe to the funds, or take any part in it, whereas if the alterations suggested were made, it would be a great stimulus for both Protestants and Roman Catholics to come forward with subscriptions, and take an active part in the management of the school.

You are welcome to send this letter to the secretary, together with the suggested amendments.

Believe me, yours truly,

CARYSFORT.

III.—ROBERT PHILPOT, Esq.

Woodmount, Arklow,
June 26th, 1890.

As a "person interested in" the above-mentioned "Draft Scheme," I beg to propose as an amendment to clause 8, page 8, that the words "or to the Arklow Technical School" shall be added to that clause which deals with annual grants, so should

one of the participating schools forfeit its claim on the endowment there might not be a second school in the "Carysfort" district qualified to receive the endowment.

I have spoken to several gentlemen of influence, who concur with me in desiring and considering necessary this amendment.

(Signed),

ROBERT PHILPOT.

IV.—Rev. WILLIAM HARFUR, Methodist Minister, Arklow.

SIR,—With reference to the Draft Scheme No. 85, for the future management of the Carysfort Royal School Endowment, I wish to notify, on my own behalf, as the Methodist minister resident in Arklow, and on behalf of the office bearers of the Methodist congregation, our objections to that part of the Scheme which provides for the appointment of a Board of Trustees for Technical Education in Arklow. Our objection is to the ignoring of the Methodist Body in the provision made for the appointment of

Trustees. With an important Methodist congregation in the town of Arklow, and a resident minister, we can see no reason why we should not have an equal Trustees on the Board to be appointed, and we ask that the Scheme be amended in this respect.

(Signed),

WILLIAM HARFUR.

Ferrybank, Arklow,
16th June, 1890.

KILLINCHY SCHOOLS, CO. DOWN.

No. IV. (a.)

See Evidence, pp. 74, et seq.

CONVEYANCE OF SCHOOL SITE.

An Indenture dated 1897, between Rev. Henry Ward of the first part, Right Rev. the Lord Bishop of Down and Connor of the second part, and Rev. Robert Alexander, Archbishop of Down, of the third part, whereby the said Rev. Henry Ward, in order to establish and promote a school at Killinchy, to be built by a grant from the "Lord Lieutenant's" Fund, by moneys advanced by the said Rev. Henry Ward, and by money to be subscribed by other persons, conveyed to the said Archbishop of Down, and his successors for ever, a plot of ground being part of the Glebe Lands of Killinchy, containing three roods and twelve perches, Cunningham measure, in trust for the use of a resident Schoolmaster to be appointed by the Managing Committee of the said School for the time being, conjointly with the said Minister and his successors, and the Presbyterian Minister of Killinchy and his successors

and, in case the aforesaid parties fail in making such appointment, to be appointed by the Churchwardens of the said parish and their successors.

Provided, that the Master should not only be appointed but should also be removed, from time to time, and at all times, by writing under the hands of the Managing Committee.

Direction, that instruction should be afforded in reading, writing, and arithmetic, under such rules and regulations as the Managing Committee should, from time to time, order.

Covenant by Rev. Henry Ward for quiet enjoyment.

Covenants by Rev. Henry Ward to build the Schoolhouse, and to appoint Schoolmaster as provided by the Indenture.

Executed by all parties.

No. IV. (b.)

PORTIONS of WILL of Rev. HENRY WARD, dated July 23, 1873, relating to the KILLINCHY SCHOOLS.

I bequeath the houses and buildings in the village of Killinchy, mentioned in said second Schedule to my said executors, their heirs, executors or administrators, upon trust to set the same at the best rent that can at the time be obtained, for a term not exceeding seven years, and to receive the rents thereof, and invest the same from time to time as received in landed or other property, or in the stocks, funds, or Government securities of Great Britain or Ireland, and the interest or dividends to arise therefrom, and to alter, vary, and transmute such securities, and at the end of said period of seven years (provided in the meantime a permanent endowment, equivalent at least to two hundred and fifty pounds per annum, independent of this bequest, shall be made for the Incumbent of the Protestant Episcopal Church of Ireland in the Parish and Church of Killinchy), then to pay over the entire sum which shall have been received out of the said houses as aforesaid, and all accretions thereon, to the Representative Church Body, in augmentation of the fund, and for the benefit of the said Incumbent for (Henry Ward) the time being according to their discretion, and in case a permanent endowment shall have been created of the amount,

and within the period aforesaid. Then, I bequeath the said houses and buildings in the village of Killinchy, aforesaid, to my said executors, their heirs, executors, administrators, and assigns, upon trust, to hold the same for the Incumbent or other Minister for the time being of the said Parish or Church of Killinchy for ever. But in case there shall not have been provided a permanent endowment or annual income equivalent to two hundred and fifty pounds a year as aforesaid for the Minister of the said Parish or Church of Killinchy, otherwise than by the bequests herein contained, and independently thereof within the time aforesaid, then I bequeath the said houses and buildings in Killinchy, and the rents which shall have accrued due thereof during the said period of seven years, and all accretions thereon, and the securities upon which the same shall then stand invested unto the Incorporated Society in Dublin for Promoting English Protestant Schools in Ireland, and their successors, to be held by the said Society in trust for the support and improvement of the Schools in the Townland of Killinchy, adjoining the Society's estate in the Parish of Killinchy.

JOHN SHARP'S ENDOWMENT.

No. V.

Referred to in Evidence, p. 89.

PORTIONS of JOHN SHARP'S WILL, dated September 19, 1788, relating to his Charitable Bequests for the Parish of Ramoan.

"I leave and bequeath to James Stewart Moore, of Ballylivity, Esq., the said Adam Hunter and Henry Park, and Charles McEldowney, of Ballyessie, gentlemen, the sum of four hundred and fifty pounds, sterling, in trust for the several uses, intents, and purposes hereinafter mentioned, and to and for no other use, intent, or purpose whatsoever, that is to say—First, to apply fifty pounds in erecting a complete schoolhouse with a slate roof, tables, &c., in the most convenient place in the parish of Ramoan, which my said Trustees may appoint and direct, provided the parishioners of said parish engage and give good security for keeping the same up and in thorough good repair. Secondly, I order the sum of two hundred pounds (part of the said sum of four hundred and fifty pounds) to be vested by my said Trustees in permanent and undoubted security, the interest of which to be paid annually to a proper and eligible schoolmaster, to be chosen by my said Trustees, and the Protestant and Protestant Dissenting elders of said parish for

the time being, in consideration whereof such schoolmaster shall in addition to those scholars whose parents pay for their education, teach and instruct any number of children belonging to said parish not exceeding twelve in all, whose parents are unable to pay for their education, said children to be nominated and certified for by my said Trustees, and the clergyman aforesaid, or a majority of them; and, thirdly, I order the sum of two hundred pounds, being the remainder of four hundred and fifty pounds, to be vested by my said Trustees in permanent and good security, the interest of which I direct my said Trustees to pay, at the Easter Vestry held for said parish each year, unto such poor housekeepers of said parish (who are not common beggars) as may be nominated by the parishioners, met at said vestry, in sums not less than ten shillings, nor not exceeding twenty shillings, to such family there fixed upon as proper objects to participate in said charity."

RAINEY'S SCHOOL AND THE SALTERS ENDOWMENT, MAGHERAFELT.

No. VI. (a.)

Referred to in Evidence, p. 113.

RESOLUTION of the HOUSE of COMMONS.

House of Commons,
4th December, 1890.

Resolved:—

That an humble address be presented to Her Majesty, praying Her Majesty to withhold Her consent from that part of the Scheme of the Educational En-

dowments (Ireland) Commission for the administration of the endowment in the town of Magherafelt, known as the Rainey School, in so far as the proposed composition of the Board of Governors is concerned.

(Signed), RICHARD F. D. PALGRAVE,
Clerk, House of Commons.

No. VI. (b.)

CIRCULAR LETTER from the COMMISSIONERS to PARTIES interested previous to holding of PUBLIC SITTING on RESOLUTION of PARLIAMENT.

The above-mentioned Scheme has been remitted to this Commission from the Chief Secretary's Office, with a resolution of the House of Commons, praying Her Majesty to withhold her consent from the Scheme "in so far as the proposed composition of the Board of Governors is concerned."

The attention of the Commission has also been called to the report of the evidence taken by the Irish Society and London Companies Irish Estates Committee of the House of Commons relating to the school, and especially to the announcement of the intention of the Salters Company to make a further advance to the credit of the school account, and to consider favourably the position of Mr. Kincaid, the present master of the Rainey School.

The Commissioners must now consider the matter, and before doing so they desire to invite the statement of the views of the several parties interested;

they also desire to be informed of any change which may have occurred in the circumstances of the school, or of the endowments, or of the head master, or in the intentions of the Salters Company since the Scheme was signed by the Judicial Commissioners (January 11, 1890).

The Commission has appointed a sitting to be held at the Court-house, Belfast, on January 8, 1891, for other business, and that would be a convenient time and place for them also to consider this matter.

You will please inform me at your earliest convenience, and not later than the 22nd instant, whether your views could be presented at Belfast on the day named.

You will also oblige the Commissioners, by furnishing them, in writing, before January 3, 1891, with any statement you may desire to submit on the subject.

No. VI. (c.)

LETTER from SALTERS COMPANY to COMMISSIONERS.

Salters' Hall,
St. Swiftin's-lane,
London, E.C., 18th December, 1890.

SCHEME No. 48.

Endowment—Rainey School, Magherafelt.

SIR,—The Salters Company have had under consideration your letter of the 15th inst., and the report of the evidence with regard to the above school, taken by the Select Committee of the House of Commons (inquiring into the Irish estates of the Irish Society and the London Companies) to which you direct attention. I am desired to state that the Company have not made any change in their present intentions as regards their proposed endowment for the benefit of the school, nor as regards Mr. Kincaid.

The telegram read by the Chairman at the meeting of the Committee on 16th June last (see page 81 of the Report of the Evidence) as corrected by me represented the facts. The Company have set aside, as from the date of their decision to vest the markets, the grain stores, and the fax stores at Magherafelt in the firmest Governing Body of the school, the preparation of the net rents of these premises applicable to the school, and were therefore in a position to advance from the

amount thus accumulated the sum of £100 (referred to in the Report of the Evidence at page 81) to prevent, if possible, the closing of the school pending the settlement of the Scheme, which the Company expected would take place before the end of the present year, this advance has, however, almost exhausted the sum in the Company's hands, due to this school at the present time.

Having authorized me to make this statement and having regard to the fact that they have no part in the management of the schools the Company do not think it will be necessary for them to be represented at the sitting of the Commissioners to be held at Belfast, on 8th January next, and they do not therefore propose to avail themselves of that opportunity of presenting their views kindly offered them by the Commissioners.

I am, sir,
Your obedient servant,
EDWARD LIONEL SCOTT,
Clerk of the Salters Company.

The Secretary,
Educational Endowments (Ireland) Commission,
23, Nassau-street, Dublin.

No. VI. (d.)

LETTER from COMMISSION to SALTERS COMPANY.

Educational Endowments (Ireland) Commission,
23, Nassau-street, Dublin,
23rd December, 1890.

SCHEME No. 48.

Endowment—Rainey School, Magherafelt.

SIR,—With reference to your letter of the 15th instant, I am directed by the Commissioners to say that they would be much obliged if you could give them any definite information as to the present intentions of the Company upon the following points:—

(1.) Whether the Company propose to accumulate the fixed sum of £130 per annum as from April 1, 1888, when their annual contribution to the Rainey School ceased, and, if so, whether the Rainey School will receive £86 per annum of that sum (less by £100 advanced) and the Roman Catholic Body £54 per annum. If not this fixed sum, what is the amount accumulated as mentioned in your letter?

(2.) May the Commissioners deal under their

Scheme with the amounts (if any) available as above mentioned?

(3.) As regards Mr. Kincaid and the undertaking of the Company "to consider his position favourably," do the Company contemplate giving him a retiring allowance, or in what other way do they propose to deal with him?

The reduced income of the School would be insufficient to maintain his present emoluments, and the change in the Governing Body will probably affect his position.

A reply to the above queries will much oblige the Commissioners if received before January 5, 1891.

I am, sir,
Your obedient servant,
WM. EDWARD KELLY, Secretary.
Edward Lionel Scott, Esq.,
Clerk of Salters Company,
Salters' Hall,
London.

No VI. (c.)

LETTER FROM SALTERS COMPANY TO THE COMMISSIONERS.

Salters' Hall, St. Swithin's-lane,
London, E.C., 3rd January, 1891.

Rainey's School, Magherafelt.

SIR,—I have submitted your letter of the 23rd December, 1890, to the Court of Assistants of the Salters Company, and I am directed to reply as follows to your inquiries:—

(1.) The Company have set aside the net rents received in respect of the markets, the grain stores, and the flax stores at Magherafelt, as an additional endowment for Rainey's School only, as from the 1st November, 1888, to the 1st November, 1888, and from the latter date as an endowment to be divided in the proportion of 35 per cent. to 45 per cent. respectively, between the Rainey's School and the Roman Catholic Schools, Magherafelt. The rents for the year ending 1st November, 1890, have not yet been received by the Company, and I am therefore not able to do more than give you an approximate estimate of the amount available for Rainey's School. Assuming that this rent will not fall short of the average for the last three years, and deducting payments made by the

Company in respect of the School, in the years 1888, 1889, and 1890, including the sum of £100 advanced in June last, there will remain in the Company's hands the sum of about £40 (probably rather less).

(2.) The Company will be glad if the Commissioners will deal under their Scheme with this sum (cf. *sup.* £40).

(3.) By direction of the Company, I conveyed to Mr. Kincaid, by letter dated 10th June, 1890, their intention to consider his position favourably, but they are of opinion that it would be premature to come to any decision in his case at the present time.

I am, sir,

Your obedient servant,
EDW. LEONARD SCOTT,
Clerk of the Salters Company.

William Edward Ellis, Esq., Secretary,
Educational Endowments (Ireland) Commission,
23 Nassau-street Dublin.

No. VI. (d.)

TELEGRAM FROM SECRETARY TO ASSISTANT SECRETARY, at COURTHOUSE, BELFAST, JANUARY 8, 1891

"Urgent: Murphy, Educational Commission, Courthouse, Belfast.

"Letter received to-day from Salters Company saying, that to avoid all misunderstanding, they have to state that the estimated sum of £40, referred to in letter January 3rd, is applicable to Rainey School only."

No. VI. (g.)

EXTRACT FROM THE REPORT OF THE IRISH SOCIETY AND LONDON COMPANIES (IRISH ESTATES)
COMMITTEE OF THE HOUSE OF COMMONS, 1890.—Parliamentary Paper, No. 322, pp. 80-81.

Chairman, Mr. John Morley (to Lord Justice FitzGibbon).—I do not think we need ask you any more questions about Mr. Kincaid. My honourable friend, Mr. Lea, has received two telegrams, which are by no means irrelevant to the subject of this inquiry, from Magherafelt this morning. The first is a telegram from Magherafelt (I do not know who sends it): "Rainey's School writes me willing to advance £1,000, to credit of the school account." The second, sent off a few minutes later, is from Mr. Kincaid: "Much pleasure in informing Committee, Salters Company have promised to consider my position favourably."—I am very glad to hear that. He certainly appeared to us to have a very strong moral claim against the Company, and also, if his evidence before us were correct, he had had direct

representations made to him by Sir H. Cartwright that his position was secure.

Dr. Freshfield.—Would you allow the representatives of the Salters Company to say one word?

Mr. E. L. Scott.—It is only that the telegram should have stated £200, which is what the Salters Company have agreed to, instead of £1,000.

Chairman.—It is £100 down, or £100 every year?

Mr. E. L. Scott.—It is £100, advanced for the present to enable the school to be carried on.

Witness.—I have said they only had about £350 of the old accumulations, and there have been all exhausted during the correspondence in trying to keep the place up. I presume £100 will only carry them on for about six months more.

No. VI. (h.)

LETTER FROM DR. JORDAN TO COMMISSION

31st December, 1890.

DEAR SIR,—We have received your letter of 15th December with regard to the above school, and the composition of the Board of Governors for its future management, and we beg to submit to the Educational Endowments Commission the following statement of our views on the subject.

The resolution of the House of Commons does not afford very exact information as to the ground on which the House proceeded; but we observe that in the report of the proceedings, the Hon. Member (Mr. T. W. Russell) who moved the resolution said that he quite admitted that the Board was fairly formed, and he objected to the Scheme because it provided that the Primate of Ireland should be chairman, and that gave the Primate a casting vote and therefore the control."

We beg to remind the Commissioners that the school has been under the presidency of the Primate for about 150 years, and that the chairmanship was only for the lifetime of the present Primate, and that owing to the distance of Armagh from Magherafelt, and the very many and important duties of the Primate, the alleged superiority would seem to be little more than nominal. It is very satisfactory to us to observe that Mr. Russell allowed that the Board was fairly formed, and we understand that this feeling was also shared in by English Members of Parliament who take an interest in such matters.

We observe in the report of the proceedings in Parliament that one Hon. Member went much farther than the mover of the resolution. Mr. Renton "obtained representation on the governing body of seven Presbyterians to five members of the Church of Ireland, that being," to quote the words of the Hon. Member, "the proportion of the population of the town."

1. We beg to state that the population of the town as given in the Government Census of 1881 does not at all sustain this view. The population is (census of 1881):—

	Church.	Presbyterians.
Town of Magherafelt, ...	445	878
Salter's Estate, as given from Salter's Office, ...	3,373	2,019
Parish of Magherafelt, ...	1,432	2,998

2. Any such view as we refer to with regard to the composition of the Governing Board does not take into account the very large additions made to the Rainey Trust by the Salters Company. The school was in a state of ruin when the Salters Company joined the Primate of the day (say about 1850) in carrying out the Chancery Scheme.

About that time the school premises (including residences, house and grounds) were built by them at a cost of about £1,300 and have been kept in order and repair ever since. The Company gave also, over and above the Rainey Endowment, a sum of say, about £180 a year toward carrying on the school, including a suit of clothes yearly for each of the thirty foundation boys,

costing, say, about £80 a year. This latter arrangement of the clothing was adopted in the spirit of Mr. Rainey's will, as helping the class of boys whom he appears to have had specially in view. After the very liberal treatment of the school for so many years, we greatly regret that the Company have not seen their way to make a larger endowment than £86 a year. We have done every thing that we possibly could, by bringing the state of the school under their notice in frequent and most earnest appeals, to induce them to make a larger endowment to the school on which they had certainly spent large sums for a long period, and to which they had been in many ways most generous.

3. The school has been fairly well attended by the Presbyterian Body and by other Denominations as is seen by the Schedule attached to this statement. Speaking generally, the scholars from the Church people formed about half of those in attendance. The religion of each scholar was always most carefully protected by a conscience clause, and it is quite impossible to mention any case in which the conscience clause was disregarded.

4. The long delay in settling the Scheme and the uncertainty with regard to its future sufficiently explain that there is not a larger number attending the school at present.

For all these reasons we think that the view of the Hon. Member (Mr. Renton) is not at all borne out by the facts of the case, and we are thoroughly convinced that it would prove most disastrous to the future of the school. If the history of the school and all its circumstances had been fully understood, we believe such a view would not have been put forward. The Church people, if put in an inferior position on the governing Board, could not be expected to enter into the working of the school with such earnestness and zeal as would help towards its full development and success. This result we would deeply deplore, and we confidently look forward to the Board of Governors being so fairly constituted by the Commissioners that the Church people will be able to enter zealously and heartily into the management of a school with which they have been so very long connected and for which they have certainly done their very best under the circumstances.

We would thank you to bring this statement under the attention of the Educational Endowments Commission.

We remain, dear sir,
Very faithfully yours,

RT. ARMAGH, Primate.
THOMAS JORDAN, D.D.,
Rector of Magherafelt
and Prebendary of Loughgall.

Wm. Edw. Ellis, Esq.,
Secretary,
Educational Endowments Commission.

No. VI. (L)

LETTER from Dr. JORDAN to Lord Justice FITZGIBBON.

Beccrey, Magherafelt,
8th January, 1891.

Right Hon. Lord Justice FITZGIBBON.

MY LORD,—I would feel much indebted if you would permit me to state the following matters with regard to the above school:—

1. The difficulty about the chairmanship appears to be rather nominal than real. Owing to the distance of Armagh from this place, and the difficulty of reaching it, and the Primate's very many important duties, he might not possibly be able to attend. Under his circumstances it is a pity to deprive our venerable chief pastor of this slight remnant of his connexion with the school.

The actual working of the governing Board is secured by the clause of the Scheme, giving to the Primate and to the Moderator of the General Assembly the power each to appoint a substitute, and I would look forward to this being probably the practice in the working of the school.

2. In Parliament the Board was admitted to be fairly formed, even by the Hon. Member (Mr. Russell), who moved the resolution, though he objected to the chairmanship. It is impossible for us to have two schools of an intermediate class in our town, and without harmony we cannot have a good school. It therefore becomes—I would venture to say—an absolute necessity to have an equal representation of Church people and of Presbyterians on the governing Board.

3. This equal representation is in accord with the natural strength of the town and neighbourhood, for speaking generally, the population as regards Presbyterians and Church people is equal.

4. Very large additions have been made to Mr. Rainey's Endowment by the Salters Company, from the time they joined the Primate of the day—say thirty years ago—until they sold their estate.

I have been reading your lordship's evidence before the Parliamentary Committee, as fully reported in the Blue Book, and certainly there was in these years a very large increase made to the Endowment—this generous help beginning when the place was a ruin.

5. I beg to mention that when the school was in its usual working order, the scholars from the Presbyterian body and other denominations were about equal in number to the Church scholars. I may add that the

religion of each scholar was most carefully respected and guarded by a conscience clause, and during the eleven years I have been here, I never heard the slightest reference here in any case to a disregard of the conscience clause. The number attending the school has been given in a schedule forwarded to the Educational Commission, and when looked into, points to the fairness of an equal representation on the Board.

6. It is a great regret to me here that the Endowment from the Salters Company—£56 a year—is so very small, compared with their former generous treatment of the school.

On the 28th June, 1890, I received from them a hundred pounds "to the credit of the School Account." I afterwards sent the Company an audited account of the expenditure with the vouchers, and I got an acknowledgment to this effect from them on 3rd October, 1890. On making inquiry, I ascertained that this £100 was a payment or advance in respect of the accumulation in the Company's hands of their proposed endowment of £56 per annum. I beg to mention this matter, as possibly it may be referred to at the sitting in Belfast.

You will kindly permit me to mention that the difficulty of carrying on the school under the circumstances is extremely great, and that it would be a very great relief if the Scheme could be settled as soon as conveniently it could.

I am arranging to attend the sitting of the Commission on Thursday, 8th January, in Belfast. I think the representative of the Select Vestry, Mr. John Smyth, will attend also.

The Church people here would be most deeply hurt if they were placed in an inferior position on the Board, after being in connection with the school for so very long a period, and after all the care, trouble, and anxiety they have had in carrying it on.

I trust you will kindly let my anxiety and the importance of the subject be my excuse for this long letter.

I beg to remain, my Lord,

Your faithful servant,

THOMAS JORDAN.

The Right Hon. Lord Justice FitzGibbon.

SCHEME No. 52.—THE DONAGHADEE FREE SCHOOLS.

OBJECTIONS AND AMENDMENTS.

No. VII. (a.)

Referred to in Evidence, p. 125.

OBJECTIONS OF DANIEL DELACROIX, D.D.

I, Daniel Delacroix, of the Manor House, Donaghadee, in the County of Down, being a person interested respecting the foregoing scheme, object to the said scheme on the following grounds:—

1st. Because by the said scheme it is provided that

the Governors may apply an annual rentcharge of £10, late Irish currency, which was originally charged on certain hereditaments, to one half of which I am now entitled in possession as payment to the Incumbent (of Donaghadee), for the performance of the duty of giving catechetical and other religious instruction
2 D

to the children belonging to the Church of Ireland attending the said schools, whereas, by virtue of the Statute of Limitations, the said annual recharge has ceased to exist, no part thereof having been paid for upwards of 12 years.

2nd. Because the Incumbent of the said church is now, by virtue of his office, and in consideration of the emoluments connected therewith, bound to give the said instruction, and is not entitled to any further payment therefor.

3rd. Because the said recharge was, by the will of the Countess of Alexander, mentioned in the said scheme, directed to be paid to the officiating clergyman of Donaghadee, for reading morning prayers on every Wednesday and Friday throughout the year in

the Parish Church of Donaghadee; and the same recharge has ceased to be payable by reason of the Incumbent of the said church having neglected or refused to perform the said duties for a period of upwards of 20 years.

4th. Because by the said scheme I am deposed from the management of the Leslie School, which position I at present occupy, and substitute the Rev. Mr. Coote for me.

Dated this 23rd day of June, 1830.

J. MURRAY & Co.,

Solicitors for the said Daniel Delachere
Downpatrick.

No. VII (b.)

OBJECTIONS of Rev. R. H. COOTE.

With reference to Draft of Donaghadee Endowments, I wish to object on page 3, second paragraph, to the words "other moneys of his own," and on third paragraph "out of his private income," as I think Mr. Delachere should be called on to show how much money in each year he paid out of his private income in excess of the money diverted from the Vicar during many years and payable under Lady Mount Alexander's will.

Will it be insisted upon in future that in accordance with Mrs. Leslie's will the clothes shall be given to the children, as they have now of late years been withheld by Mr. Delachere, contrary to its provisions.

Page 5.—I would seriously object to the appointment of the free boys being taken out of my hands, also of the apprenticing of same, and hope this may not be implied in the draft.

Page 7.—I think the Bishop and the Chancellor

should have the same right of nominating Governors to act in their place as will be extended to the lay Governors. This is important as they are not likely ever to be present, and so the whole power will be in the hands of Messrs. Delachere, Leslie, and Cunningham, contrary to spirit of will.

Page 11.—I object to the Governors having the direction of the religious instruction, as this should be in the hands of the Incumbent with the specified safeguard. I claim to have the right of holding parochial meetings in the Leslie School-house.

Page 12.—Appointment and dismissal of teacher should be in the hands of the Bishop alone in accordance with the will. I should be specially excepted from last clause of paragraph 19, in case I got the £10 per annum for religious instruction. I should still continue a Governor.

R. H. COOTE, Rector.

THE CHARLTON CHARITY.

No. VIII.

See Evidence, p. 153.

MEMORANDUM of W. G. BROOKER, M.A., Chief Clerk to the Lord Chancellor.

If I might be allowed to sum up the views I entertain on the proper application of this fund, I would say that I consider the founder's intentions should be respected, and that the fund should be maintained as a fund for marriage portions, and should not be applied for educational purposes. It was open to the testator to have given the endowment for education, and at a time when funds for education were more urgently wanted than they are now, and he did not. His object was to help the happiness of labouring people at a particular time, to introduce some movement into the monotony of uneventful lives, and to give them the means of making a fair start in life. This is an endowment for the poor, and to give it to education is to give it away from the class for whom it was meant; to give it to children, whereas it was meant for adults; to give it in kind, whereas it was to go in money; to give it, not to the children of the agricultural labourers, but to those of the artisans and the lower and middle classes. This would be to tear the will to pieces. My opinion is, that the objects of the Bequest should be the children of labourers connected with land, including stewards, shepherds, herds, gardeners, foresters, gamekeepers, and such like, but extended to males, following themselves such avocations,

and irrespective of their father's condition in life.

It is impossible not to feel that the testator meant the fund for the exclusive benefit of members of the disestablished Church of Ireland. The provision that the marriage was to take place in the presence of the minister and two churchwardens proves this. Besides, the scheme settled by Dr. Hall opening the charity also proceeds on this assumption, for the Roman Catholic beneficiaries are placed on a different and inferior footing.

What pressed the Lord Chancellor to open the charity and to increase the amount given, was the great accumulation of the fund, and the difficulty of applying the whole income in any one year in small grants of six guineas to such as fulfilled the conditions of the will. But there was another way out of the difficulty, namely, while increasing the amount of the grant to such figure, at all events, as £6 6s. of long ago would now represent, to increase the area so as to include girls of the nine counties adjacent to Meath and Longford.

This is the area for men, and there is no sensible reason why it should not be for girls also. It is not even plain on the construction of the will that the

testator intended any such distinction, which has no ground in common sense to be drawn.

An enlargement of the area would bring in large supplies of claimants, and it might be considered, whether the grant of £30 was not too much. Presuming the fund was restricted to Protestant labourers, or children of labourers, and the area enlarged, as aforesaid, and the grant reduced, how could the application each year of the whole income be ensured? In this way—if the funds did not suffice to pay all the successful claimants then they should abate proportionately. If, on the other hand, there was a surplus in any year, the best application of it would be to give a pro rata second grant to well conducted couples who had got it the previous year, thus enabling them to provide

themselves with stock or implements of husbandry or small patches of ground for garden, &c.

The administration of the fund should be kept in the Court of Chancery, assisted by the Commissioners of Charitable Donations and Bequests.

The presence of a churchwarden at the marriage should not be indispensable. The parties claiming should produce irrefragable evidence of age.

The age of the men should be extended to thirty-five, and that of the women cut down to thirty, as maximum limits.

The salary of £100 to the agent should be revised.

W. G. BROOKS.

THE ULSTER ROYAL SCHOOL ENDOWMENTS.

No. IX. (a.)

See Report, p. iv.

MEMORANDUM TO ACCOMPANY DRAFT SCHEME for the RE-CONSTITUTION of the COMMISSIONERS of EDUCATION, and the FUTURE MANAGEMENT of the ROYAL SCHOOL ENDOWMENTS.

This Scheme consists, in the main, of two parts: one part dealing with the re-constitution of the Commissioners of Education in Ireland; the other with the future management of the Royal School Endowments, being the principal endowments now under their control.

The present Scheme does not deal with the Private Endowments administered by the Commissioners of Education, nor with the small remainder of the Endowments of the "Diocesan Schools," as it has been thought more expedient to deal with these in separate Schemes. As to any Endowment for which a Scheme may not be prepared, the existing powers of the Commissioners will remain unaltered.

PART I.—The Commissioners of Education.

Re-constitution of the Commissioners. Sec. 2.

The Scheme provides that the Commissioners of Education in Ireland shall henceforth consist of—

- (a) Ten Commissioners appointed by the Lord Lieutenant;
- (b) Ten Commissioners elected by the Local Boards of Education constituted in the second part of the Scheme;
- (c) Two Commissioners elected by the Council of the University of Dublin;
- (d) Two Commissioners elected by the Senate of the Royal University of Ireland;
- (e) Two Commissioners elected by the Governing Body of the Institution known as the Catholic University of Ireland;
- (f) Two Commissioners elected by the Intermediate Education Board for Ireland.

Sec. 4.

A provision is added that, in the appointment of Commissioners by the Lord Lieutenant, regard shall be had to the due representation of the several religious denominations entitled to benefit from the Endowments.

Powers of Commissioners continued. Sec. 5.

The Commissioners thus re-constituted will continue to be a Body Corporate, and will possess all the

powers and hold all the property of the existing Commissioners. All the existing enactments affecting them, including the statutes providing for the expenses of their office, will continue in force, except in so far as may be otherwise provided by the Scheme.

Superannuation of Officers. Sec. 7.

Provision is made for the superannuation of their officers, as Civil Servants, with the approval of the Treasury.

Additional Endowments. Sec. 16.

The Commissioners may receive additional Endowments for the purposes of the Scheme, or for any object connected therewith, and they will be capable of acting as Official Trustees and Governors of any property, public or private, which may hereafter be vested in them for educational purposes.

Power to manage the Estates. Sec. 17, 18, 19.

The Commissioners will have powers of sale, letting, investment, and management, subject to the special provisions contained in the second part of the Scheme for the management of the estates of the Ulster Royal Schools.

PART II.—Endowments of the Royal Schools.

Distribution of Ulster Royal School Endowments.

As regards the endowments of the Ulster Royal Schools, we had before us the proposal of the existing Commissioners, that these endowments should be applied to maintain the Armagh School under a Head Master of "The Church of Ireland," Dungannon School under a Presbyterian Head Master, and two new Schools, one to be established in Limerick and one in Munster, under Roman Catholic Head Masters. But this proposal received little support from the representatives of the several denominations interested in the endowments who appeared before us. On the other hand, three distinct proposals were laid before us in evidence. The first was, that the endowments should be extended to the whole of Ireland; the second, that they should be extended to the whole of Ulster,

but not to the other provinces; and the third, that they should be limited to the districts in which the estates are situated, and in which the Schools have been hitherto maintained. After much deliberation and discussion, we have adopted the third of these proposals, and have made it the basis of our Scheme. It seemed to us that the endowments are not more than sufficient to give substantial aid to Intermediate Education in the localities referred to; and we thought that the people of those localities, for whose benefit the endowments were originally intended, should not be deprived of them, so long as they can be usefully and efficiently applied for their advantage.

Districts to share in the Endowments. Sec. 20.

In defining the Districts to which we propose to limit the endowments, we have generally followed the County divisions; and have included the Counties of Armagh, Tyrone, Fermanagh, Cavan, and Donegal. But, as we found that the original grants provided for the application of the endowments in the Dioceses in which the lands were situated, we have also included the County of Monaghan, the whole of which is in the Diocese of Clogher; and, for the same reason, we have included that part of the County of Londonderry which belongs to the Diocese of Armagh.

The following accordingly are the Districts under the Scheme entitled to share in the Endowments of the Ulster Royal Schools:—

- The Armagh District, consisting of the County of Armagh.
- The Tyrone District, consisting of the County of Tyrone with that part of the County of Londonderry which is included in the Diocese of Armagh.
- The Fermanagh District, consisting of the County of Fermanagh with the County of Monaghan.
- The Cavan District, consisting of the County of Cavan.
- The Donegal District, consisting of the County of Donegal.

Local Boards of Education. Sec. 20.

Having decided that the endowments should be applied for the educational benefit of those districts, we came to the conclusion that the Schools sharing in the endowments should be managed by Local Boards, incorporated for the purpose, and not, as hitherto, by the central body of Commissioners sitting in Dublin. On this subject we received a great deal of evidence in the course of our public sittings, tending to show that the existing system is inefficient, and that local management is advantageous to schools. We also found, generally, that the several denominations of Protestants were willing to act together in the administration of that portion of the endowments which might be allotted to Protestant schools; but, as regards schools under Roman Catholic management, the witnesses were unanimous in the opinion that no governing body would be satisfactory which was not exclusively Roman Catholic.

Functions of Local Boards. Secs. 21, 22.

We resolved, therefore, to constitute in each District two Local Boards of Education, one representing the various denominations of Protestants, and one consisting of Roman Catholics only. Each Local Board will be a corporate body, consisting, in the first instance, of nine members, with power to increase the number to fifteen. The functions of the Local Boards will be:—

(1.) To establish, maintain, or aid such schools within their respective Districts as they shall think expedient.

(2.) To administer and apply such share of the Endowments included in this or any other Scheme framed under the Act as shall be payable to them.

(3.) To exercise such supervision and control over the Schools sharing in the Endowments administered by them as may be necessary to secure compliance with the provisions of this or any other Scheme framed under the Act, and applicable to such Schools.

(4.) To elect, for each Local Board, one representative Commissioner, and three representatives upon the Estates Committee of the District.

(5.) To hold and administer other endowments, real or personal, for the purposes of the Scheme, or for other like purposes.

The functions of the Local Boards have been defined with a view to enable them to undertake the management of all such educational endowments in their several Districts as may hereafter be entrusted to them; and they will therefore be available as local trustees and governing bodies for educational purposes.

Constitution of Local Boards. Secs. 23-25.

In the constitution of the Local Boards, we desired to provide for the educational interests, and, as far as possible, to meet the wishes of the various religious denominations concerned. We therefore put ourselves in communication with official representatives of the several denominations, and obtained from them the names of persons whose appointment as the first members of these Boards it was thought would be beneficial, and generally acceptable; but it is right to add that the persons with whom we communicated, and those named in the Scheme, are in no way pledged to any approval of its provisions.

Powers of Local Boards. Secs. 35, 36.

In order to admit schools under independent management to the benefit of the endowments, it is provided that the Local Boards may recognise School Committees, each consisting of not less than three persons, who may be either members of the Governing Body, or of the teaching staff, or residents in the neighbourhood of the school. But, in all cases, the Local Board will be bound to visit every school receiving any share of the endowments, and to see that it is conducted in accordance with the provisions of the Scheme.

Sec. 37.

In the case of the Protestant Boards, we have endeavoured to give effective representation to the various denominations entitled to take advantage of the endowments; but, in order to enable the different denominations to establish or aid schools under their own management, if they should deem it expedient, power has been given to allocate the endowments by mutual arrangement. By means of the power of co-optation, each denomination may provide an efficient Board of Management for its own purposes, and may retain the exclusive management of its own share of the endowments.

Estates Committee. Secs. 38, 39.

We were satisfied that it would contribute to the more efficient and economical management of the property of the Ulster Royal Schools, that a local body, acting under the supreme control of the Central Board of Commissioners, should be empowered to manage each estate, and should have a direct interest in making it productive. Accordingly we propose to constitute in each District an Estates Committee, consisting of three members of each of the Local Boards, and to empower them to collect the rents, and to manage the estate to the best advantage.

Distribution of the Endowments.

As regards the distribution of the Ulster Royal School Endowments, subject to special arrangements in the case of Armagh, we make a temporary provision to last for three years, and a permanent provision to come into operation at the end of that period. The object of the temporary provision is to enable each Local Board to establish a satisfactory system of education, suitable to the needs of the locality, and to place itself in a position to profit by the permanent provision on its coming into operation.

Temporary provision for three years. Sec. 40.

For the first three years, the net annual income derived from the endowments of each school is to be paid, in equal shares, to the Local Boards of the District in which the school is situated. The sums thus paid to each Board may be applied to any one or more of the following purposes, as the Board shall deem most expedient:—

(a.) To aid or improve any existing Intermediate School situated in the District and managed by the Local Board;

(b.) To establish such new School or Schools in the District as the Board may think fit;

(c.) To accumulate a capital sum of which the principal and interest may be applied to the purposes set forth under (a) and (b);

(d.) To promote Intermediate Education in any other way which to the Local Board may seem best calculated to enable the Schools of the district to profit by the permanent provision which will come into operation after the first three years.

Permanent Provision. Sec. 41.

During the period of three years, for which the temporary provision just explained is to be in force, we considered that each Local Board would be able to bring into efficient operation at least one Intermediate School. From the expiration of that time, the permanent provision for the distribution of the Endowments is to come into operation. This provision is based on the following principles:—

(1.) That each Local Board shall receive an annual minimum grant sufficient to afford substantial aid towards the maintenance of at least one Intermediate School;

(2.) That the amount of the minimum grants payable in each district shall be dependent on the efficient management of the Royal School estate in that district;

(3.) That the residue of the Endowments remaining over after the payment of the minimum grants shall be treated as a common fund, and shall be divided between the Intermediate Schools of the several districts, according to the educational work done in each.

Minimum Grants. Sec. 42.

The minimum grants have been fixed with regard to the relative value of the estates, and are allocated to the several Districts as follows:—

Armagh District, forty per cent. of the net income of the Armagh Estate;

Tyrone District, forty per cent. of the net income of the Dungannon Estate;

Fermanagh District, forty per cent. of the net income of the Enniskillen Estate;

Cavan District, fifty per cent. of the net income of the Cavan Estate;

Dunegal District, the whole of the net income of the Raphoe Estate.

The minimum grants allotted to each District are to be divided in equal parts between the Protestant and Roman Catholic Boards.

We propose that the value of the School buildings and premises of each District, and any income derived from them, shall be treated as available, in equal parts, for the Local Boards of the District, and shall be applicable to the same purposes as the minimum grants.

Division of the Residue. Sec. 43, 44.

The Scheme provides that, after the payment of the minimum grants, the net residue of the Endowments of all the Ulster Royal Schools shall be treated as a common fund, distributable, in proportion to results, upon the application of the Local Boards, among the Intermediate Schools which fulfil the necessary conditions.

The object of the minimum grant, supplemented by the value of the School premises, is to provide each Local Board with the means of giving substantial aid to at least one good Intermediate School. The object of the provision as to the residue is to secure such a distribution of the fund as will give most money to those Schools which are doing most work, and will thus stimulate efficiency, and secure the useful application of the Endowments. In using the residue as a common fund we have followed a principle to be found in the Statute 3 Geo. IV., c. 79.

Conditions to be fulfilled by Schools. Sec. 45.

We were of opinion that the Ulster Royal School Endowments were intended for the promotion of higher education, and therefore that those Schools only should share in the Endowments which are entitled to be regarded as efficient and well equipped Intermediate Schools. We therefore require the following conditions to be fulfilled by every School claiming any share in the minimum grants or in the residue of the Endowments:—

(a.) The School shall be managed by the Local Board of the District within which it is situated, either directly or through a School Committee.

(b.) Instruction shall be given in the School in the following subjects, at the least:—

In a Boys School—Latin, Greek, English (including History, Geography, Grammar, and Composition); French or German; Arithmetic, Algebra, and Euclid.

In a Girls School—Latin, English (including History, Geography, Grammar, and Composition); French or German; Arithmetic, and one other Mathematical subject; and Music or Drawing.

(c.) The Inspector to be appointed by the Lord Lieutenant, shall be satisfied and shall report that the buildings, premises, and appliances of the School are sufficient and available for an efficient Intermediate School, and are in good order, and that a competent staff for the efficient teaching of the required subjects is employed in the School.

(d.) The School shall, during the year for which the claim is made, have had in regular attendance not less than twenty-five pupils receiving an Intermediate Education; and not less than ten pupils of the School shall, during the year, have passed a qualifying examination in subjects of Intermediate Education.

Free Pupils. Sec. 46.

As an important object of the Royal School Endowments was to provide free education for a certain number of deserving pupils, we have thought it right

to require that every School, sharing in a minimum grant shall receive each year two pupils, at the least, who shall get free education for two years, and who shall be selected by competitive examination from the elementary Schools of the district.

Application of the Endowments, Sec. 47.

The sums payable to the Local Boards, whether on account of minimum grants or of the residue, may be applied by them to any or all of the following purposes:—

- (1) To maintain the buildings, premises, furniture, and appliances of the several Schools managed by them;
- (2) To pay rents, taxes, and other charges;
- (3) To pay the salaries of the teaching staff;
- (4) To provide scholarships, exhibitions, and prizes.

The minimum grant may be applied by each Local Board for the benefit of any school or schools in its district, in such proportions as the Board shall think fit; but every share of the residue payable for results must be applied for the benefit of the school for which the claim has been established.

School Buildings and Premises, Secs. 50, 51.

The two Local Boards of each district will have a period of six months from the date of the scheme within which to agree on a plan for the use of the school buildings and premises, or for their disposal by sale or letting, as the educational wants of the district may require. If the Local Boards fail to agree on such a plan, the Commissioners will then proceed to sell or let the buildings and premises to the best advantage. It will be open to each Local Board or any School Committee to purchase or rent them on fair terms.

The money derived from the disposal of the school buildings and premises will be divided equally between the two Local Boards of the district, subject to any claims which may be established for private endowments by Protestant benefactors.

Compensation for Vested Interests, Secs. 52, 53.

It is proposed from the first of January next following the date of the Scheme, to discontinue the services of the Head Masters of the Schools of Danganman, Keshikillen, Cavan, and Raphoe, all of whom have been upwards of thirty years in office, and to give to each of them, as compensation for his vested interest, a life annuity equal to his present salary. Each Head Master may, if he choose, within three months from the first of January next following the date of the Scheme, commute his annuity for a capital sum, to be calculated according to the Pensions Commutation Acts. The existing Assistant Masters of these Schools will receive gratuities at the rate of one year's salary for each five years of service. The compensation payable to the Head Masters and Assistant Masters will be secured by the Ulster Royal School Endowments, but will be in the first instance payable out of the funds and securities arising from these endowments now in the hands of the Commissioners.

Exhibitions, Sec. 54.

Provision is made for vested interests in Exhibitions and Scholarships payable out of the endowments.

Special Provisions as to Armagh School, Sec. 55.

In the case of the Armagh Royal School, the Head Master has not attained the length of service which would warrant his retirement on full salary, and as our Act requires that his vested interest shall be saved or shall be compensated for, the Scheme provides that he shall retain his present position, with its emoluments, so long as he continues efficiently to discharge the duties of his office.

Sec. 56.

In case the net income of the Armagh Endowments shall not be sufficient, after providing for the vested interest of the Head Master, to meet the claim of the Armagh Roman Catholic Local Board to a minimum grant of twenty per cent., we have provided for the payment of such sum as may be necessary to make up that amount from the other Royal School Endowments.

Sec. 57.

Whenever the present Head Master shall be no longer capable of conducting the school with efficiency or when he shall have completed thirty years of service, he will be entitled to retire on terms similar to those proposed in the case of the other Head Masters, and the Armagh School Endowment will then come under the full operation of the Scheme, but with a provision that in the disposal of the school premises, account shall be taken of the efficiency of the school at the time, due regard being had to the rights of both Local Boards.

Banagher Royal School, Secs. 62, 63.

The Head Master of the Banagher School has been in office for only fifteen years, and in accordance with our Act, the Scheme provides that he shall retain his present emoluments so long as he continues to discharge efficiently the duties of his office; but as we found the school very unsuccessful, and as we see no grounds for anticipating any substantial improvement under the present management, we propose to allow him the option of retiring, with an annuity, chargeable on the Banagher Estate, equal to one-thirtieth part of his present salary for each year that he has held office.

Sec. 64.

Whenever the present Head Master shall vacate his office, the Scheme provides that the annual income of the Endowment, after discharge of incumbrances, shall be paid to the Intermediate Education Board for Ireland, and that they shall distribute at each year to the managers of Intermediate Schools in the King's County, in the same proportions in which these schools shall receive results fees under the Intermediate Education Act.

Carysfort Royal School, Sec. 65.

The Carysfort School was the only primary Royal School in Ireland. It was visited in October, 1899, by two of our body, who found it in a state of complete inefficiency. The schoolmaster was practically a farmer on the Carysfort School Estate, who seemed to give some instruction irregularly to his own children and some other children of the neighbourhood; but he had no regular school hours, he kept no roll of his pupils, and his school was under no inspection. He has died since the date of this visit, and the School is now vacant.

We do not propose to continue this School. Under the present management it has been a complete failure; and we do not see how we can place it under local management with any probability of success.

We propose then to distribute the income of the endowment between all the elementary schools of the District which are efficiently conducted; one-half will be divided in equal parts between them; and one-half will be divided according to the educational work done. Thus every properly qualified school in the District will get some aid from the Endowment; and the schools that do most work will get the largest amount. Provision is made for limited building grants out of the capital of the endowment, if the Commissioners should think it for the advantage of education in the District to erect any new school.

Signed by order of the Educational Endowments Commissioners.

WM. EDWARD ELLIS, Secretary.

April 26, 1899.

THE ULSTER ROYAL SCHOOL ENDOWMENTS

No. IX. (b.)

ORIGINAL DRAFT SCHEME, PUBLISHED April 30, 1888.

No. 34.—ENDOWMENTS—THE ROYAL SCHOOL ENDOWMENTS, and other EDUCATIONAL ENDOWMENTS administered by the COMMISSIONERS of EDUCATION in IRELAND.

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SCHEDULES—

I. Mode of Distributing the Residue.

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The Ulster Royal Schools.

Whereas in the reign of King James I., upon the distribution and plantation of the lands allotted to the Crown in the province of Ulster, it was directed by His Majesty that there should be one Free School at least appointed in each of the Counties of Armagh, Tyrone, Donegal, Fermanagh and Cavan, for the education of youth in learning and religion; and by letters patent dated April 20, 1616, it was directed that certain lands assigned in the Plantation of Ulster for the maintenance of the Grammar Schools in that province should be conveyed by grant from the Crown to the Archbishop of Armagh, that by him they might be distributed and allocated in form of law to the several schools as he should think fit, and the distribution of the said lands was committed to the said Archbishop as the person best able to select the most apt places for the establishment of such Grammar Schools:

And whereas King Charles I., by letters patent dated December 18, 1637, granted to the Archbishop of Armagh, and to his successors for ever, certain lands assigned as aforesaid, for the use of the masters of the Free Schools established at the town of Mountmorris in the County of Armagh, at the town of Mountjoy in the County of Tyrone, at the town of Donegal in the County of Donegal, at Liggolee (now called Portora) near the town of Baniskillen in the County of Fermanagh, and at the town of Cavan in the County of Cavan respectively:

And whereas the schools so established at Mountmorris, Mountjoy, and Donegal, were afterwards removed to Armagh, Dungannon, and Raphoe, respectively, and the five above-mentioned schools have since been maintained and are still in operation as Grammar Schools, and are known as the Royal Schools of Armagh, Dungannon, Baniskillen, Cavan, and Raphoe, respectively:

Carysfort Royal School.

And whereas King Charles I., by letters patent dated August 25, 1639, granted to the Sovereigns, Burgesses, and Free Commons of the borough and town of Carysfort, in the County of Wicklow, and to their successors for ever, the lands therein mentioned, to the use of such schoolmaster as the Lord Deputy or other Chief Governor or Governors of Ireland, for the time being, should appoint to reside and teach in the said town of Carysfort; and for want of such schoolmaster, then to the use of the said Sovereigns and Burgesses and their successors for ever, towards the maintenance of a free school in the said town, and of such schoolmaster or schoolmasters as they should appoint to teach school there, until another schoolmaster should be appointed by the Lord Deputy, or other Chief Governor or Governors aforesaid, and then to the use of such schoolmaster or schoolmasters for ever:

And whereas a school was afterwards established, and has still been in operation as an Elementary School, near Carysfort aforesaid, and is known as Carysfort Royal School:

Banagher Royal School.

And whereas King Charles I., by letters patent dated September 16, 1639, granted to the Sovereigns, Burgesses, and Free Commons of the borough and town of Banagher, in the King's County, and to their successors for ever, the lands therein mentioned, to the use of such schoolmaster as the Lord Deputy or other Chief Governor or Governors of Ireland, for the time being, should appoint to reside and teach in the said town of Banagher; and for want of such schoolmaster, then to the use of the said Sovereigns and Burgesses, and their successors for ever, towards the maintenance of a free school in the said town, and of such schoolmaster or schoolmasters as they should appoint to teach school there, until another schoolmaster

should be appointed by the Lord Deputy or other Chief Governor or Governors aforesaid, and then to the use of such schoolmaster or schoolmasters for ever:

And whereas a school was afterwards established, and has since been in operation as a Grammar School, at Banagher aforesaid, and is known as Banagher Royal School:

*The Commissioners of Education in Ireland,
55 Geo. III., c. 107.*

And whereas by the Act 55 George III., cap. 107, the Lord Primate of all Ireland, the Lord High Chancellor of Ireland, the Lord Archbishop of Dublin, the Lord Archbishop of Tuam, the Lord Chief Justice of Ireland, and the Provost of Trinity College, Dublin, all for the time being, with four of the Bishops of Ireland, and four other persons, to be appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, were constituted and appointed as a Corporation with perpetual succession and a common seal, by the name of "The Commissioners of Education in Ireland," for the regulation of the several Endowed Schools of public and private foundation in Ireland in the said Act mentioned; and it was by the said Act, among other things, enacted (sec. 4) that it should be lawful for the said Commissioners and their successors from time to time to appoint a secretary to the said Commissioners, with a salary not exceeding the sum of £700, and also such other subordinate officers or officers as they should think proper, for carrying into execution the purposes of the Act, and to certify to the Lord Lieutenant or other Chief Governor or Governors of Ireland, for the time being, such sum or sums of money as they should deem adequate to defray the expense of said officers, and the incidental expenses of the Board; whereupon it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, to direct the issue, out of the Consolidated Fund of Ireland, of such sum or sums of money to defray the expense of such officers, and the incidental expenses of the Board, as to the said Lord Lieutenant or other Chief Governor or Governors for the time being should seem fitting and convenient; and it was by the said Act (sec. 5) further enacted that it should be lawful for the said Commissioners and their successors to hold any lands or hereditaments whatsoever for the purposes of the said Act; and (sec. 9) to visit each or any of the endowed schools therein described as subject to the jurisdiction of the said Commissioners, and to do all other acts appertaining to the office of visitors relating to such schools; and it was by the said Act (sec. 11) further enacted that the several lands granted under the heretofore recited instruments for the use of the Masters of the Royal Schools of Armagh, Dungannon, Baniskillen, Raphoe, Cavan, Banagher, and Carysfort, should be vested in the said Commissioners and their successors for ever, and that the rents, issues, and profits thereof should from time to time be received, paid, and applied by the orders of the said Commissioners as by the said Act directed; and it was by the said Act (sec. 12) further enacted that it should be lawful for the said Commissioners from time to time to invest in Government securities any sums of money belonging to any of the schools the estates belonging to which were vested in them, and that such proportion as they should think proper of the issues and profits of all funds or estates applicable to the support of each such school should be applied for the use and benefit of the Schoolmaster thereof for the time being, and such other proportion as they should think proper should be applied for the use and benefit of such Under Master or Masters as the said Commissioners should think necessary for such school; and, after payment of such salary or salaries to such Head Master and Under Master or Masters, to apply such sums as should be deemed necessary in or towards

the purchasing, procuring, building, enlarging, repairing, or furnishing the schoolhouse, with grounds, apartments, and other necessary or useful accommodations; and, if any residue should remain, then to apply such residue to supporting, maintaining, and providing such and so many free scholars, and to the endowment of such and so many exhibitions to Trinity College, to be held by such persons and under such regulations, as to the said Commissioners should seem proper; and provision was also made by the said Act for the control and management by the said Commissioners of the several Schools of private foundation, and Diocesan and other Schools, in the said Act mentioned, and for the exercise by the said Commissioners of the several powers and authorities by the said Act conferred upon them in that behalf:

3 Geo. IV., c. 79.

And whereas by the Act 3 George IV., cap. 79, the constitution of the Commissioners of Education in Ireland was altered, and it was provided (sec. 8) that whenever any residue should remain of the funds of any of the Royal Schools of Armagh, Dungannon, Enniskillen, Raphoe, Cavan, Banagher, and Claryfort, after defraying the expenses of the Master and of the Under-Master or Masters, if any, and of all enlargements and improvements of the schoolhouse, grounds, apartments, and furniture thereof which should be thought necessary, it should be lawful for the said Commissioners, if they should think fit, to cause such residue or such part or share thereof as they should deem sufficient, to be applied to the like maintenance and improvement of any other or others of the said schools whose funds might stand in need of such aid, and that if such residue should be more than sufficient for that purpose, then so much as should remain thereof should be applied in the manner in the Act 53 George III., cap. 107, directed: and it was by the said Act (sec. 11) enacted that all the powers of the said Commissioners should extend to all schools of the nature and description in the said Act mentioned which had been or should be erected in Ireland; and the powers of the said Commissioners were amended as in the said Act appearing.

17 & 18 Vic., c. 94.

And whereas by the Act 17 & 18 Victoria, cap. 94, it was enacted that the charges and payments for the salaries of the Secretary and other officers of the said Commissioners, and for the expenses of the Board, should cease to be charged on and payable out of the Consolidated Fund of the United Kingdom, and should thenceforth be paid out of such aids or supplies as might be from time to time provided and appropriated by Parliament for the purpose; and the said salaries and expenses have since been provided and paid accordingly:

And whereas, under and by virtue of the hereinbefore recited Acts, the said several Royal Schools, and certain Schools of private foundation, Diocesan Schools, and other Schools, with the estates, lands, buildings, tenements, hereditaments, funds, securities, moneys, goods, chattels, and other property, real and personal, thereto respectively belonging, have since the passing of the said Acts been vested in the said Commissioners of Education in Ireland, or placed under their jurisdiction, management, or control:

And whereas all the property, real or personal, now vested in or held by the Commissioners of Education in Ireland under the hereinbefore recited Acts or otherwise, and all other estates and property now held upon trust for or applicable to the purposes of the above-mentioned Schools, or any of them, now constitute Educational Endowments within the meaning of "The Educational Endowments (Ireland) Act, 1885," and the said Act applies to the same:

And whereas it has appeared to the Commissioners under "The Educational Endowments (Ireland) Act, 1885," after due inquiry, that in order to extend the usefulness of the said Endowments, provision should be made for altering the constitution of the Commissioners of Education in Ireland, and for the future government and management of the said Endowments, in manner hereinafter appearing:

Therefore, from and after the date of this Scheme (being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation thereof), the Commissioners of Education in Ireland shall be constituted, and the said Endowments shall be held, governed, managed, and applied, for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, Letters Patent, Statute, Charter, Deed, Instrument, Trust or Direction, relating to the subject-matter of this Scheme, to the contrary notwithstanding.

Preliminary.

Interpretation of terms.

1. For the purposes of this Scheme, unless the context otherwise requires, the following terms shall be interpreted as follows:—

"The Act" shall mean "The Educational Endowments (Ireland) Act, 1885."

"The Lord Lieutenant" shall mean and include the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

"The Commissioners" shall mean the Commissioners of Education in Ireland, incorporated under the hereinbefore recited Act, 53 George III., cap. 107, and continued under this Scheme as hereinafter provided.

"The Local Boards" shall mean the several Boards of Education hereinafter constituted for the administration of Educational Endowments in the several districts defined by this Scheme.

"The Ulster Royal Schools" shall mean and include the several schools established by Royal Letters Patent as hereinbefore recited, and in the said Act 53 George III., cap. 107, described as the Free Schools of Armagh, Dungannon, Enniskillen, Raphoe, and Cavan.

"The Estates Committee" shall mean the Committees elected by the Local Boards for the management of the estates of the Ulster Royal Schools as hereinafter provided.

"The Endowments" shall mean and include all the estates, lands, buildings, tenements, hereditaments, funds, securities, moneys, goods and chattels, and all rents interest dividends and income thereof, due or accruing, and all other the property, real and personal, at the date of this Scheme vested in or held or possessed by the Commissioners, or by any other person or persons, upon trust for or applicable to the purposes of the Schools vested in the Commissioners, or governed or managed by them, or placed under their jurisdiction or control.

"The General Synod" shall mean the body known as "The General Synod of the Church of Ireland," or other the supreme legislative authority for the time being of the Church formerly established by law in Ireland and in the Irish Church Act, 1869, referred to as the Church of Ireland, hereinafter referred to as the said Church, and shall include any authority duly empowered to represent or act for the General Synod in that behalf.

"The Diocesan Council" and "The Select Vestry" shall mean respectively the bodies known as the Diocesan Council and the Select Vestry of the Diocese and Parish in each case named, appointed in accordance with the constitution of the said Church, and shall include any authority duly empowered to perform the functions now performed by such Diocesan Council and Select Vestry respectively.

"The General Assembly" shall mean the body known as "The General Assembly of the Presbyterian Church in Ireland," hereinafter referred to as the said Presbyterian Church, or either the supreme authority for the time being of the said Presbyterian Church, and shall include any authority duly empowered to represent or act for the General Assembly in that behalf.

"The Methodist Conference" shall mean the assembly known as the Yearly Conference of the people called Methodists in the connexion established by the late Rev. John Wesley, or either the supreme authority for the time being of the Methodist Church in Ireland, and shall include any authority duly empowered to represent or act for the Methodist Conference in that behalf.

"Intermediate Education" shall mean education in such subjects as may for the time being be included in the programme of examinations of the Intermediate Education Board for Ireland.

"Elementary Education" shall mean such education as may be given in the National Schools which are aided by grants from the Commissioners of National Education in Ireland.

PART I.—The Commissioners of Education in Ireland, The Commissioners.

2. From and after the date of this Scheme, "The Commissioners of Education in Ireland," shall be constituted in manner hereinafter provided, and as so constituted shall continue to be a Body Corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme, and shall, for the purposes of this Scheme, continue to have full exercise and enjoy all the powers, jurisdiction, privileges, and authority which at the date of this Scheme shall be vested in or capable of being exercised or enjoyed by the Commissioners, under the hereinafter recited Acts or otherwise howsoever.

From and after the date of this Scheme, subject to the provision hereinafter contained as to the continuing Commissioners, the said Body Corporate shall consist of the members following, that is to say—

(a.) Ten Commissioners appointed by the Lord Lieutenant as hereinafter provided.

(b.) Ten Commissioners elected by the Local Boards as hereinafter provided.

(c.) Two Commissioners elected by the Council of the University of Dublin as hereinafter provided.

(d.) Two Commissioners elected by the Senate of the Royal University of Ireland as hereinafter provided.

(e.) Two Commissioners elected by the Governing Body of the Institution known as "The Catholic University of Ireland" as hereinafter provided.

(f.) Two Commissioners elected by the Intermediate Education Board for Ireland as hereinafter provided.

Provided that if and whenever any University or Universities shall hereafter be lawfully established in Ireland, other than the above-mentioned Universities, the Governing Body of each University so established may from time to time elect two Commissioners, in the same manner as is hereinafter provided with respect to the above-mentioned Universities, but if both or either of the above-mentioned Universities, or the above-mentioned Institution known as "The Catholic University of Ireland," shall be merged in or incorporated with any University lawfully established, the power of electing Commissioners hereby conferred upon the University or Institution so merged or incorporated shall thereupon cease.

From and after the date of this Scheme no person shall be entitled to be, to continue, or to become a Commissioner by virtue of any office whatsoever.

Continuing Commissioners.

3. In the first instance, such and so many of the existing Commissioners as at the date of this Scheme shall be able and willing to act, and shall have attended not less than one-fourth of the meetings of the Commissioners held during their tenure of office within three years next before the date of this Scheme, shall continue to be members of the Body Corporate, and shall be deemed to be Commissioners appointed by the Lord Lieutenant, and shall hold office as if they had been so appointed. The existing Commissioners so qualified are hereinafter referred to as the continuing Commissioners. All existing Commissioners not so qualified shall, at the date of this Scheme, cease to be members of the Body Corporate, but shall be eligible for appointment or election as Commissioners under this Scheme. From and after the date of this Scheme, the continuing Commissioners, with such and so many Commissioners as shall have been appointed or elected as herein provided, shall constitute the Body Corporate, and shall and may have, hold, exercise, and enjoy all the property, powers, jurisdiction, privileges, and authority of the Commissioners for the time being; provided that every act done by the Commissioners during the period of two months next after the date of this Scheme shall be subject to confirmation by the Commissioners at their first meeting held after the expiration of that period.

Appointment of Commissioners by the Lord Lieutenant.

4. The Commissioners appointed by the Lord Lieutenant shall be appointed in manner following, and shall hold office during the pleasure of the Lord Lieutenant. Immediately after the date of this Scheme, and from time to time thereafter, as occasion shall require, the Lord Lieutenant shall appoint such and so many persons to be Commissioners as, with the continuing Commissioners, shall make up the number of ten Commissioners so appointed.

In the appointment of Commissioners by the Lord Lieutenant regard shall be had to the due representation upon the Body Corporate of the several religious denominations entitled to benefit from the Endowments.

Whenever any continuing Commissioner or Commissioner appointed by the Lord Lieutenant shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall for the space of one year fail to attend any meeting of the Commissioners, or shall be removed from office by the Lord Lieutenant, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded, in the minutes of the Commissioners, and, except in the case of removal by the Lord Lieutenant, shall be notified by the Commissioners to the Lord Lieutenant.

Immediately after the date of this Scheme, the Secretary of the Commissioners shall prepare from the minutes of the existing Commissioners, and shall forward to the Lord Lieutenant, a list of the existing Commissioners, with the date of their appointment, and a return of their attendance at the meetings held within three years next before the date of this Scheme, distinguishing those qualified as continuing Commissioners under the provisions hereinafter contained.

Election of Commissioners.

5. After a meeting of each Local Board, to be held after due notice, and within two months after the date of this Scheme, the members present shall elect one person to be a Commissioner. Each Commissioner so elected shall hold office until the last day of the calendar year first ending more than twelve months after the date of this Scheme. At a meeting of each Local Board to be held in the month of November or December in each year and in every year there-

after, the members present shall elect one person to be a Commissioner. Each Commissioner so elected shall enter upon office on the first day of January following his election, and shall hold office until the thirty-first day of December next ensuing, or until the election of his successor, whichever shall last happen.

As soon as conveniently may be after the date of this Scheme, and subsequently from time to time as occasion shall require, each of the other bodies entitled to elect Commissioners shall elect two persons to be Commissioners. Such elections shall be held at such times, and the Commissioners so elected shall hold office for such periods, as the bodies entitled so to elect Commissioners shall respectively prescribe from time to time.

The several Local Boards and other bodies entitled to elect Commissioners may elect Commissioners from among their own number, or may elect such other suitable persons as they shall respectively think fit.

Every outgoing elected Commissioner shall be eligible for re-election.

Whenever any elected Commissioner shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall be removed from office by a resolution, passed after due notice, of the body by which he was elected, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the body by which he was elected, and such body may thereupon elect a suitable person to fill the vacancy: every Commissioner so elected shall hold office so long only as the Commissioner in whose place he shall have been elected might have held the same.

Vesting of Endowments and Continuance of Powers.

6. From and after the date of this Scheme, subject to the provisions of this or any other Scheme or Schemes framed under the Act, all the Endowments then held by or vested in the existing Commissioners shall remain vested in the Commissioners as hereby constituted, who shall therefrom hold, receive, and apply the same, and the rents, issues, dividends, income, and produce thereof, and all other property and moneys applicable to the purposes of this Scheme and receivable by them, for the several purposes hereinafter mentioned. All powers, jurisdiction, privileges, and authority, at the date of this Scheme vested in the Commissioners, or capable of being exercised or enjoyed by them, shall continue to be vested in and may be exercised and enjoyed by the Commissioners as hereby constituted. All existing enactments and provisions then effecting, enabling, or relating to "The Commissioners of Education in Ireland," shall thenceforth apply to the Commissioners as hereby constituted, save so far as may by this or by any other Scheme or Schemes framed under the Act be otherwise provided.

Officers, Superannuation, and Expenses.

7. From and after the date of this Scheme, the Secretary and other officers then in the employment of the existing Commissioners shall continue to hold office under the Commissioners as hereby constituted, upon the same terms, and shall remain bound to perform the same and all like duties, as if the constitution of the Commissioners had not been altered. Every Secretary and other officer appointed by the Commissioners in pursuance of the Act 53 George III., cap. 107, sec. 4, and the Acts amending the same, whether before or after the date of this Scheme, shall be subject to removal by the Commissioners for such misconduct or inefficiency as they shall deem sufficient to justify his removal, and every Secretary and other officer so appointed after the passing of the Act shall also be subject to removal by the Commissioners for such cause as they shall deem adequate, or upon reasonable notice, or such notice as may be agreed

upon, not exceeding in any case six months' notice, or upon payment of a reasonable sum, not exceeding six months' salary, in lieu of notice. The Commissioners may with the consent of the Lords of Her Majesty's Treasury, grant to any Secretary or other officer in their employment (whether appointed before or after the date of this Scheme), who, otherwise than through misconduct, shall become incapable of further duty, a reasonable superannuation allowance to be fixed with due regard to length of service, and to the other circumstances of the employment, and not exceeding the amount which under similar circumstances might have been granted to such Secretary or other officer under the Superannuation Acts, 1839 and 1834, if holding office directly from the Crown in the Civil Service of the state. No person shall, after the date of this Scheme, be appointed by the Commissioners to be such Secretary or other officer until he shall have obtained a proper certificate from the Civil Service Commissioners. Every superannuation allowance so granted as aforesaid shall be defrayed as part of the incidental expenses of the Commissioners.

The salaries of the Secretary and other officers, and the expenses of the said officers and the incidental expenses of the Commissioners, shall continue to be provided and defrayed in accordance with the Act 53 George III., cap. 107, and the Acts amending the same.

General Provisions as to the Commissioners.

Chairman, Quorum, and Honorary Officers.

8. The Commissioners at their first meeting held more than two months after the date of this Scheme, and at their first meeting in each calendar year thereafter, shall elect from among themselves a Chairman and a Vice-Chairman, who shall continue in office until the first meeting in the succeeding year. The Chairman, and in his absence the Vice-Chairman, shall preside at the meetings of the Commissioners. Until the election and in the absence of the Chairman and Vice-Chairman, the majority of the Commissioners present shall elect one of their number to act as Chairman for the occasion. Five Commissioners shall constitute a quorum, and all matters and questions shall be determined by the majority of the Commissioners present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. The Commissioners may, from time to time, appoint such honorary officers as they shall think fit, and may define the duties of such honorary officers.

Committees.

9. The Commissioners may, from time to time, appoint a Committee or Committees, each consisting of two or more of their number, to carry into execution any orders, rules, or directions of the Commissioners with respect to the purposes of this Scheme, or to manage such of their business as the Commissioners may deem it expedient to depute to such Committee or Committees. The Commissioners may fix the quorum, define the duties, and regulate the proceedings of every such Committee as they shall think fit.

Meetings.

10. The Commissioners shall hold their first meeting within three calendar months after the date of this Scheme, and they shall meet once, at the least, in every three months thereafter, on such day as they shall fix; they shall also meet at such other times as they may from time to time appoint, or as their business shall require. Notice of every meeting shall be sent to each Commissioner six clear days, or such other time as the Commissioners may direct, before each meeting. The Chairman or the Vice-Chairman, or any

five other Commissioners, or the Secretary may, at any time, summon a special meeting of the Commissioners, sending notice to each Commissioner six clear days, or such other time as the Commissioners may direct, before such meeting, specifying in such notice the business for the transaction of which the meeting is summoned; and no other business shall be transacted at such special meeting. Every meeting may be adjourned for the completion of its business to such time and place as the Commissioners present may appoint.

Minutes, Books, and Documents.

11. Every Commissioner shall, at or before the first meeting which he attends, sign a declaration, in a book to be kept for that purpose, of his acceptance of the office of Commissioner, and until he has signed such declaration he shall not be entitled to act as a Commissioner. Minutes books shall be kept by the Commissioners, in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal and signed by the Chairman of any meeting, and two other Commissioners, and by the Secretary, shall be held to be validly executed on behalf of the Commissioners.

By-laws and regulations.

12. The Commissioners may, from time to time, make such by-laws and regulations as they shall consider convenient and needful for giving effect to the provisions of this Scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that the same may be repealed, altered, and amended by the Commissioners from time to time as they shall deem expedient.

Accounts and Audit.

13. The Commissioners shall cause to be kept regular accounts of all their receipts and disbursements, including separate accounts for each of the estates vested in them, in such manner and form as may be from time to time prescribed or approved by the Local Government Board, and the accounts for each year, ending the thirty-first day of December or such other day as the Board may appoint, or an abstract thereof, in such form as the Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the said Board. The Local Government Board may fix, and the Commissioners shall pay out of the income of the respective estates, such reasonable sum or sums as shall be necessary to defray the cost of audit. The Commissioners shall keep an account with each bank as they may from time to time select, and all moneys receivable or payable by them (except petty cash) shall be lodged to or drawn from such account, and every cheque shall be signed by two Commissioners, at the least, thereto authorized.

Annual Report.

14. The Commissioners shall in every year present to the Lord Lieutenant a report of their proceedings under this Scheme during the preceding year, with the report of the Auditor for such preceding year, and such other information regarding the Endowments, and the Schools receiving benefit therefrom, as the Lord Lieutenant may from time to time direct, or as the Commissioners may think fit; and the Lord Lieutenant shall cause such report to be laid, with all convenient speed, before both Houses of Parliament.

Inspection.

15. An Inspector to be appointed by the Lord Lieutenant in pursuance of the Act, section 17, shall inspect each School sharing in any of the endowments administered under this Scheme, once at the least in each year, and as much oftener as the Lord Lieutenant may direct, and shall present his reports thereon to the Lord Lieutenant; the remuneration of every such Inspector, as fixed by the Lord Lieutenant, shall be defrayed by the Commissioners out of the Endowments administered by them in such proportions as the Commissioners shall think fit.

Additional Endowments.

16. The Commissioners may receive and hold donations, subscriptions, and other or additional Endowments, real or personal, and apply the same for all or any of the purposes of this Scheme, or for any object or objects connected with all or any of the purposes of this Scheme, or for any purpose which shall not be inconsistent with, or calculated to impede, the efficient working of the provisions hereof. All property and moneys so received or applied shall be subject to any special trusts lawfully affecting the same, and shall be included in the accounts to be kept by the Commissioners.

Management of Estates.

17. Subject to the provisions hereinafter contained as to the management of the Endowments of the Ulster Royal Schools, the Commissioners shall, from time to time, make such arrangements as they may deem expedient for the custody of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, for keeping proper maps and records of holdings and tenancies, and for the employment of such land agent or agents, and of such solicitor or solicitors, and of such bailiffs and other officers, as they shall find it expedient to employ to assist in such management. Every agent employed by the Commissioners, or by any Estate Committee under this Scheme, shall be required to give sufficient security to the Commissioners for the faithful discharge of his duties, and to furnish his account once at least in each year, and in such account to include all rents and other income due or payable up to the day next preceding the date of furnishing the account.

Letting Powers.

18. Subject to the provisions hereinafter contained as to the management of the Endowments of the Ulster Royal Schools, the Commissioners may make agricultural or occupation leases and lettings of land from year to year or for any term not exceeding forty years, and leases of buildings from year to year or for any term not exceeding ninety-nine years, and leases for building or improvement for any term not exceeding two hundred years, so that every such lease and letting shall take effect in possession upon or within three years after the making thereof, and shall be made at the highest rent that may fairly and reasonably be obtained, and without fine. Subject as aforesaid, they may, in such manner, and upon such terms, as they shall deem most expedient, sell, exchange, let upon lease in fee-farm or for any term, mortgage, or otherwise dispose of all or any parts of the lands and buildings (not being required for the purposes of any School under the provisions of this Scheme) which may be vested in them, so that every such dealing shall be carried out to the best advantage, and that all moneys obtained thereon, other than current rents, shall be treated as part of the capital of the endowment from which it shall be obtained, and shall be invested or otherwise disposed of in accordance with the provisions of this Scheme.

Powers of Investment.

18. The Commissioners may from time to time sell any of the property (other than lands or buildings), funds, and securities vested in them, and invest the moneys arising therefrom, or other the capital of the Endowments, and may also invest and accumulate any surplus or residue of income, or other funds received by them, in any of the public stocks, funds, or securities of the United Kingdom, or of any Colony or Dependency thereof, or in the stock of the Bank of England, or of the Bank of Ireland, or upon freehold or leasehold securities in the United Kingdom; or upon the bonds, debentures, debenture stock, or mortgages of any joint stock company or corporation, whether municipal commercial or otherwise, carrying on business or constituted for any purpose in the United Kingdom, or in any Colony or Dependency thereof, and the Commissioners may from time to time vary such investments, and they may from time to time report to the accumulations of income from any previous year, and apply the same for the purposes of this Scheme; they may retain in their existing state of investment, so long as they shall think fit, all or any securities heretofore vested in them or which may hereafter be transferred to them.

*PART II.—The Royal Schools.
Ulster Local Boards of Education.*

19. From and after the date of this Scheme, a Protestant Board of Education and a Roman Catholic Board of Education shall be constituted as hereinafter provided, for the administration of Educational Endowments in each of the following districts:—

- The Armagh District, consisting of the County of Armagh,
- The Tyrone District, consisting of the County of Tyrone with so much of the County of Londonderry as is included in the Diocese of Armagh,
- The Fermanagh District, consisting of the County of Fermanagh with the County of Monaghan, being part of the Diocese of Clogher,
- The Cavan District, consisting of the County of Cavan,
- The Donegal District, consisting of the County of Donegal.

The several Local Boards shall be respectively designated as follows:—

- The Armagh Protestant Board of Education.
- The Armagh Roman Catholic Board of Education.
- The Tyrone Protestant Board of Education.
- The Tyrone Roman Catholic Board of Education.
- The Fermanagh Protestant Board of Education.
- The Fermanagh Roman Catholic Board of Education.
- The Cavan Protestant Board of Education.
- The Cavan Roman Catholic Board of Education.
- The Donegal Protestant Board of Education.
- The Donegal Roman Catholic Board of Education.

Each of the said several Local Boards shall constitute a Body Corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme.

Functions of the Local Boards.

21. The functions of the Local Boards shall be as follows:—

- (1.) To establish or aid in establishing, and to maintain or aid in maintaining, such school or schools within their respective districts as they shall think expedient.

- (2.) To administer and apply such share of the Endowments included in this or any other Scheme framed under the Act as shall be payable to them.
- (3.) To exercise such supervision and control over the Schools sharing in the Endowments administered by them as may be necessary to secure compliance with the provisions of this or of any other Scheme framed under the Act, and applicable to such Schools.
- (4.) To elect Commissioners and Representatives upon the Estates Commission, and to do all other acts necessary to give effect to the provisions of this Scheme.
- (5.) To receive, hold, and administer other or additional donations, subscriptions, and endowments, real or personal, for the purposes of this Scheme, or for any objects or purposes not inconsistent with or calculated to impede the efficient working of the provisions hereof. All property and moneys so received shall be administered by the several Local Boards in accordance with any special trusts lawfully affecting the same, and shall be included in the accounts to be kept by the respective Local Boards under this Scheme. Each Local Board shall and may have and exercise, with respect to all properties and moneys so received by them, the same and the like powers of management, letting, sale, exchange, and investment respectively, which the Commissioners might have and exercise under this Scheme with respect to such property if vested in them.

Constitution of Local Boards.

22. Each Local Board shall consist, in the first instance, of nine members to be appointed as hereinafter provided, and the members of each Local Board so appointed, may from time to time, by resolution of not less than seven such members, passed at a meeting specially convened for the purpose, co-opt such and so many additional members, not exceeding six in all, as they shall think fit. Each Member so co-opted shall hold office until the next election of the Local Board.

If any of the bodies or persons authorised under this Scheme to elect or co-opt any member of a Local Board shall fail to do so within the period hereby prescribed, or shall, within six months after the occurrence of a vacancy, fail to fill the same, the Commissioners shall appoint a qualified person who shall hold office for the same period as if he had been elected or co-opted by the body or person so authorised.

*The Protestant Local Boards.**Armagh Protestant Board.*

23. Five members of the Armagh Protestant Board of Education shall be elected by the Diocesan Council of Armagh; three shall be elected by the General Assembly; and one, representing the other Protestant Denominations of the District, shall be elected by the other members of the Board as hereinafter provided.

The Armagh Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:

Representing the Diocesan Council of Armagh.

1. The Most Rev. Robert Knox, M.A., Archbishop of Armagh.
2. The Very Rev. George A. Chadwick, M.A., Dean of Armagh.
3. The Rev. Benjamin Wade, M.A., Chancellor of Armagh.
4. Achilles St. George, Esq., Wood Park, Tynan, Armagh.
5. James Henry Stronge, Esq., Hockley Lodge, Armagh.

Representing the General Assembly.

6. The Rev. Jackson Smyth, B.D., Armagh.
7. The Rev. John Elliott, Armagh.
8. William McCran, Esq., Millford, Armagh.

Representing other Protestant Denominations.

9. William Paul, Esq., Portadown.

Tyrone Protestant Board.

Two members of the Tyrone Protestant Board of Education shall be elected by the Diocesan Council of Armagh; one shall be elected by the Diocesan Council of Derry and Raphoe; five shall be elected by the General Assembly; and one, representing the other Protestant Denominations of the district, shall be elected by the other members of the Board as hereinafter provided.

The Tyrone Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Armagh.

1. The Ven. William R. Meade, B.D., Archbishop of Armagh.
2. Colonel James C. J. Lowry, B.E., Rockliffe, Dungannon.

Representing the Diocesan Council of Derry and Raphoe.

3. The Very Rev. James Byrne, M.A., Dean of Clonfert.

Representing the General Assembly.

4. The Rev. Hamilton B. Wilson, B.D., Cookstown.
5. James Brown, Esq., Donaghmore, Tyrone.
6. James Dickson, Esq., Dungannon.
7. William Wilson, Esq., Coalisland, Tyrone.
8. Thomas H. Aiken, Esq., Dungannon.

Representing other Protestant Denominations.

9. William J. Venable, Esq., Coalisland.

Fermanagh Protestant Board.

Five members of the Fermanagh Protestant Board of Education shall be elected by the Diocesan Council of Clogher; three shall be elected by the General Assembly; and one shall be elected by the Methodist Conference.

The Fermanagh Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Clogher.

1. The Right Rev. Charles M. Stack, B.D., Bishop of Clogher.
2. The Rev. Charles T. Overden, B.D., Incumbent of Enniskillen.
3. The Rev. Arthur Haire-Foster, Ballynure, Clogher.
4. William R. Cooney, Esq., Enniskillen.
5. Edward Smyth, Esq., Enniskillen.

Representing the General Assembly.

6. The Rev. Samuel C. Mitchell, Enniskillen.
7. The Rev. J. A. Allison, Mounsbawn.
8. William Galt, Esq., Enniskillen.

Representing the Methodist Conference.

9. William Carson, Esq., Enniskillen.

Cavan Protestant Board.

Three members of the Cavan Protestant Board of Education shall be elected by the Diocesan Council

of Kilmore; two shall be elected by the Select Vestry of the parish of Cavan; three shall be elected by the General Assembly; and one, representing the other Protestant Denominations of the district, shall be elected by the other members of the Board as herein after provided.

The Cavan Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Kilmore.

1. The Right Rev. Samuel Ebone, B.D., Bishop of Kilmore.
2. The Rev. William H. Hutchinson, M.D., Rathfriland.
3. Samuel W. Sanderson, Esq., B.A., Clover Hill House, Belintra.

Representing the Select Vestry of Cavan.

4. The Rev. Arthur R. Barton, B.D., Incumbent of Cavan.
5. Richard Allen, Esq., Cavan.

Representing the General Assembly.

6. The Rev. John H. Murphy, B.A., Cavan.
7. The Rev. Samuel Patrick, Derryland, Belintra.
8. Robert Walker, Esq., Ulster Bank, Belintra.

Representing other Protestant Denominations.

9. James Hartley, Esq., Cavan.

Donegal Protestant Board.

Three members of the Donegal Protestant Board of Education shall be elected by the Diocesan Council of Derry and Raphoe; five shall be elected by the General Assembly; and one, representing the other Protestant Denominations of the district, shall be elected by the other members of the Board as hereinafter provided.

The Donegal Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Derry and Raphoe.

1. The Rev. Henry F. MacDonald, M.A., Tullymaglinish, Letterkenny.
2. The Rev. John Malley, B.A., Taughboyne.
3. William Henry Porter, Esq., Letterkenny.

Representing the General Assembly.

4. The Rev. John A. Bain, M.A., Raphoe.
5. The Rev. William L. Berkeley, M.A., Raphoe.
6. The Rev. R. McMorris, M.A., Manor Cunningham.
7. Thomas Hamilton, Esq., Raphoe.
8. Robert Carson Wilson, Esq., Raphoe.

Representing other Protestant Denominations.

9. The Rev. R. A. McFarlane, B.D., Stranorlar.

General Provisions.

24. If at the date of this Scheme any of the first members of the said several Protestant Local Boards hereinbefore named shall be unable or unwilling to act, and whenever thereafter any member of any of the said several Boards shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in the district to which such Board shall belong, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and as soon as conveniently may be after the occurrence of such

vacancy, the electing body amongst whose representatives the vacancy shall have occurred, or the remaining members of the Local Board to which such member belonged, as the case may be, shall elect a duly qualified person to fill such vacancy; each member so elected shall hold office so long only as the member in whose place he shall have been elected might have held the same.

Election of Members.

23. The first members of the said several Protestant Local Boards shall hold office until the thirty-first day of December first happening more than twelve months after the date of this Scheme, or until the election of their respective successors, whichever shall last happen. Before the said thirty-first day of December, and once in every year thereafter, each of the several bodies entitled to elect representatives upon the said several Boards may elect such representatives. The elections shall be held once in each year, at such times as the bodies entitled to elect representatives shall respectively prescribe from time to time. The members so elected shall hold office until the election of their respective successors. Every outgoing member shall be eligible for re-election.

At the first meeting in each year of each of the said several Boards of Armagh, Tyrone, Cavan, and Raphoe, respectively, the members present shall elect one suitable person resident in the district and willing to act, and a member of a Protestant Denomination for which representation upon such Board has not been otherwise provided, to be a member of such Board, and each person so elected shall hold office until the election of his successor. Every such outgoing member shall be eligible for re-election, provided he shall have attended at the least one-third of the meetings of the Board of which he was a member, held during his term of office, but not otherwise.

The Roman Catholic Local Boards.

24. Each Roman Catholic Board of Education shall consist of the Roman Catholic Archbishop or Bishop of the Diocese for the time being, with eight other members, of whom four shall be clergymen, and four shall be laymen.

Armagh Roman Catholic Board.

The Armagh Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Michael Logue, D.D., Archbishop of Armagh, or other the Roman Catholic Archbishop of Armagh for the time being.
2. The Very Rev. Patrick Canon Kelly, P.P., Keady.
3. The Rev. Lawrence Byrne, P.P., Portadown.
4. The Rev. Patrick McGee, P.P., Greenmagnet.
5. The Rev. Hugh McGowan, Adm., Armagh.
6. Surgeon-Major Philip Lavery, Armagh.
7. William Gallagher, Esq., Armagh.
8. Owen Aloysius MacFarland, Esq., B.B.O.A.I., B.B.O.A.I., Armagh.
9. Richard Garland, Esq., Whitecross, Co. Armagh.

Tyrone Roman Catholic Board.

The Tyrone Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Michael Logue, D.D., Archbishop of Armagh, or other the Roman Catholic Archbishop of Armagh for the time being.

2. The Very Rev. Peter Byrnes, V.G., P.P., Dungannon, Dean of Armagh.
3. The Very Rev. Patrick Canon Donnelly, P.P., Magherafelt.
4. The Very Rev. Michael Canon Cavan, P.P., Moy.
5. The Very Rev. Thomas Canon Rice, P.P., Cookstown.
6. William James Reynolds, Esq., M.P., Dungannon.
7. Joseph Fells, Esq., Rock, Dungannon.
8. James Harrison, Junr., Esq., Magherafelt.
9. Henry Tobell, Junr., Esq., Moy.

Fermanagh Roman Catholic Board.

The Fermanagh Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. James Donnelly, D.D., Bishop of Clogher, or other the Roman Catholic Bishop of Clogher for the time being.
2. The Very Rev. Thomas Smolian, V.G., P.P., Enniskillen, Archbishop of Clogher.
3. The Very Rev. James Canon McQuaid, P.P., Clonish, Enniskillen.
4. The Very Rev. Peter Canon McGloin, D.D., Rector of St. Mary's Seminary, Monaghan.
5. The Very Rev. Laurence J. Canon O'Neill, P.P., Clonish.
6. John Francis Wray, Esq., Enniskillen.
7. Anthony Cassidy, Esq., The Grange, Enniskillen.
8. Denis Carolan Ruane, Esq., Monaghan.
9. Patrick Rafferty, Esq., Monaghan.

Cavan Roman Catholic Board.

The Cavan Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Edward McGennis, Bishop of Kilmore, or other the Roman Catholic Bishop of Kilmore for the time being.
2. The Very Rev. John O'Reilly, V.G., P.P., Lurgan, Co. Cavan.
3. The Very Rev. John C'Connor, V.G., P.P., Ballykeencough.
4. The Very Rev. Michael Fitzpatrick, P.P., Lavey.
5. The Very Rev. Charles O'Reilly, P.P., Stradone.
6. Philip Smith, Esq., Keritt Castle, Crossaderry.
7. Thomas Mackey, Esq., Cootshill.
8. Patrick Kane, Esq., Ballykeencough.
9. John Cannon, Esq., Cavan.

Donegal Roman Catholic Board.

The Donegal Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Patrick O'Donnell, Bishop of Raphoe, or other the Roman Catholic Bishop of Raphoe for the time being.
2. The Rev. Joseph C. Boyle, P.P., Raphoe.
3. The Rev. P. J. Brennan, President Diocesan Seminary, Letterkenney.
4. The Very Rev. Hugh McFadden, P.P., Donagh.
5. The Very Rev. John McMenamin, P.P., Stranorlar.
6. Joseph McLeane, Esq., Donagh.
7. Hugh McDermott, Esq., Glenties, Co. Donagh.
8. James McFadden, Esq., Glenties, Letterkenney.
9. Patrick McMenamin, Esq., Stranorlar.

Appointment of Ecclesiastical Members.

27. If at the date of this Scheme any of the first ecclesiastical members above named of the said several Roman Catholic Boards, other than the Archbishop or Bishop for the time being, shall be unable or unwilling to act, and whenever thereafter any such member shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to hold an ecclesiastical appointment in the district to which such Board shall belong, or shall fail to attend at the least one-third of the meetings of the Board held in any one year, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and, as soon as conveniently may be after the occurrence of such vacancy, the remaining ecclesiastical members of such Board shall co-opt a duly qualified person to fill the same.

Appointment of Lay Members.

28. If at the date of this Scheme any of the first lay members above named of the said several Roman Catholic Boards shall be unable or unwilling to act, and whenever thereafter any such member shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in the district to which such Board shall belong, or shall fail to attend at the least one-third of the meetings of the Board held in any one year, his office shall thereupon become vacant, and the fact of such vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and, as soon as conveniently may be after the occurrence of such vacancy, the remaining lay members of such Board shall co-opt a duly qualified person to fill the same.

General Provisions as to Local Boards.—Chairman, Quorum, and Honorary Officers.

29. Each Local Board shall appoint a Chairman and a Vice-Chairman at their first meeting after the date of this Scheme, and at their first meeting in each calendar year thereafter. Each Chairman and Vice-Chairman so elected shall hold office until the election of his successor, and shall be eligible for re-election. The Chairman shall preside at every meeting of the Board at which he is present; in the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both, the members present shall elect one of their number to act as Chairman for the occasion. Three members shall constitute a quorum of each Board, and all matters and questions shall be determined by the majority of the members present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. Each Board may from time to time appoint an Honorary Secretary and such other Honorary Officers as such Board shall think fit, and may define the duties of such Honorary Officers.

Meetings.

30. Each Local Board shall hold their first meeting within one calendar month after the date of this Scheme, and shall meet once at the least in every three months thereafter, at a time and place to be appointed by the Board, and may also meet at such other times and places as may from time to time be appointed by the Board. Notice of every meeting shall be given to each member three clear days, or such other time as each Local Board may direct, before each meeting. The Chairman, Vice-Chairman, or Honorary Secretary, or any five other members of any Local Board, may at any time summon a special meeting of the Board, giving notice to each

member thereof, six clear days, or such other time as the Board may direct, before such meeting, and specifying in such notice the object thereof. Every meeting may adjourn for the completion of its business to such time or place as the members present may appoint.

Minutes, Books, and Documents.

31. Every member of a Local Board, other than an ex-officio member, shall at or before the first meeting which he attends, sign a declaration, in a book to be kept by each Board for the purpose, of his acceptance of the office of member, and until he has signed such declaration he shall not be entitled to act as a member. Minute Books shall be kept by each Local Board in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal of any Local Board, and signed by the chairman of any meeting and two other members thereof, shall be validly executed on the part of such Local Board.

Committees.

32. Each Local Board may from time to time appoint a Committee or Committees, each consisting of two or more of their number, to carry into execution any orders, rules or directions of the Board with respect to the purposes of this Scheme, or to manage such of their business as the Board may deem it expedient to delegate to such Committee or Committees. Each Board may fix the quorum, define the duties, and regulate the proceedings of every Committee appointed by them, as such Board may think fit.

By-laws and Regulations.

33. Each Board may from time to time make such by-laws and regulations as they shall consider convenient and useful for giving effect to the purposes of this Scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that the same may be repealed, altered, and amended by such Board as they shall deem expedient.

Accounts and Audit.

34. Each Local Board shall cause to be kept regular accounts of all their receipts and disbursements in such manner and form as may, from time to time, be prescribed or approved by the Local Government Board; and the accounts for each year, ending the thirty-first day of December or such other day as the Local Government Board may direct, or an abstract thereof, in such form as the Local Government Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Local Government Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the Local Government Board. The Local Government Board may fix, and each Local Board shall pay, such reasonable sum or sums as shall be necessary to defray the cost of audit. Each Local Board shall keep an account with such bank as they shall from time to time select, and all moneys receivable or payable by a Local Board (except petty cash), shall be lodged to or drawn from such account, and every cheque shall be signed by two members at the least thereto authorised.

School Committees.

35. Each Local Board may from time to time establish or appoint such School Committee or School Committees as they shall think fit, to aid in the supervision and management of any school or schools situated in

the district, and sharing in the endowments administered by such Local Board. The Local Board may fix the constitution and define the functions of each school committee which they may so establish or appoint. The managers or the governing body for the time being of any School or Schools situated in the district, and qualified to share in the endowments administered by any Local Board, may be recognised by such Local Board as a School Committee for the purposes of this Scheme. Each School Committee shall consist of not less than three persons, who may be members of the Governing Body or Teaching Staff, Managers, or residents in the neighbourhood, of the School. Every School for which a School Committee shall be established, appointed, or recognised, shall be deemed to be a School managed by a Local Board for the purposes of this Scheme, and shall from time to time be visited by the Local Board for the purpose of ascertaining that it is conducted in accordance with the provisions of this Scheme.

Powers of Local Boards.

36. Subject to the provisions of this Scheme, each Local Board may maintain or aid any School or Schools within the district qualified to share in the endowments administered by them, in such manner as may, from time to time, seem best calculated to promote education in the district; provided that the Commissioners may prevent any School from sharing in the Ulster Royal School endowments which the Inspector appointed by the Lord Lieutenant shall report not to be qualified as hereinafter provided, and they may prevent any application of the endowments administered by any Local Board which is not in accordance with the provisions of this Scheme.

Subject to the provisions of this Scheme, each Local Board, directly or through a School Committee, shall have and exercise general supervision and control over each School sharing in the endowments administered by such Local Board, shall appoint the Masters and other members of the teaching staff, shall determine the various branches of education to be taught, shall fix the terms and vacations, and shall make such rules and regulations for the maintenance of order and discipline, as to the Local Board or School Committee, as the case may be, shall seem expedient. Subject as aforesaid, each Local Board, directly or through a School Committee, shall fix from time to time the number, salaries, and emoluments of the Masters and other members of the staff to be employed in and about each School, and shall define their several and respective duties, and shall provide for the appointment of such domestic staff and other officers and servants as shall from time to time be required.

Each Local Board may from time to time fix and regrade the School fees to be charged in each School sharing in the endowments administered by them, and may provide for the admission of free pupils, and of pupils at reduced fees, as they may from time to time think reasonable and expedient.

Subject to the provisions hereinafter contained as to the vested interests of individuals holding office at the date of the passing of the Act, every Master, Teacher, and other officer and person in the employment of a Local Board or of a School Committee may be removed by the Local Board or by the School Committee, as the case may be, for such cause as they shall deem adequate, or upon reasonable notice, or upon payment of a reasonable sum, not exceeding six months' salary, in lieu of notice; provided that no Head Master shall be removed except upon a resolution of the Local Board or of the School Committee, as the case may be, passed at a special meeting summoned on due notice. No person appointed after the date of this Scheme to any paid office or employment under a Local Board, or becoming entitled to any salary or emolument out of the endowments adminis-

tered by such Local Board, shall be capable of becoming, or shall continue to be a member of such Local Board.

Power to Protestant Local Boards to allocate Endowments.

Allocation of Endowments by Agreement.

37. Any Protestant Local Board, for the purpose of allocating the endowments administered by them among the different Protestant denominations upon such terms and subject to such conditions as may be agreed upon, may form a Committee or Committees each consisting of three or more of their number, and each such Committee may have and enjoy, with respect to any School or Schools which may be placed under their control, all the privileges, powers, and functions which the Local Board might otherwise have exercised or enjoy, with respect to such School or Schools, under the provisions of this Scheme. The Local Board may provide, by agreement, for the allocation to any School or Schools in their district placed under the control of any Committee formed as aforesaid, of so much of the endowments administered by such Local Board as, having regard to the relative numbers of the members of the several Protestant denominations entitled to benefit from the endowments, shall seem just.

Any two or more Protestant Local Boards may, by agreement, form Committees, and may allocate endowments, and may exercise the other powers conferred by this section, in the same manner as if, for the purposes of this section, the several Local Boards concerned had been one Local Board, and their several districts, and the endowments administered by them, respectively, had been united and amalgamated.

Estate Committees.

Appointment of Estate Committees.

38. As soon as conveniently may be after the date of this Scheme, an Estates Committee shall be formed in each district for the management, subject to the control of the Commissioners and to the provisions of this Scheme, of the lands and buildings included in the endowments of the Royal School of the district, and for the performance of such other duties relating to the endowments as the Local Boards of the district, or the Commissioners, shall from time to time deem it expedient to depute to such Committees respectively. Each Estates Committee shall consist of three representatives elected by the Protestant Local Board of the district, and three representatives elected by the Roman Catholic Local Board of the district. The representatives elected by each Board shall hold office for such period and upon such conditions as the Board shall from time to time determine.

Functions of Estate Committees.

39. The Estates Committee of each district shall have the management, subject to the control and approval of the Commissioners, and subject to the provisions of this Scheme as to the holdings of the Royal Schools, of the lands and buildings included in the endowments of the Royal School of the district. The Estates Committee shall have the nomination, and (subject to the approval of the Commissioners) shall have the appointment and removal of such agent or agents, solicitor or solicitors, bailiff or bailiffs, and other officers as they may deem it expedient to employ to assist them in such management: provided that the several agents and other officers who shall be employed by the Commissioners for the purposes aforesaid at the date of this Scheme shall continue in office until removed as aforesaid, and shall remain bound to perform the same duties for the respective Estates Committees as they would have been bound to perform for the Commissioners if this Scheme had not passed. It

shall be the duty of the Estates Committee (subject to the approval of the Commissioners, and to the provisions of this Scheme) to provide for the collection and recovery, and for the payment to the Commissioners, of the rents and other income of the Royal School endowments under their management, and from time to time to obtain and submit to the Commissioners all necessary or advantageous proposals for the letting, sale, or disposal of the lands and premises, and to make all such reports and recommendations to the Commissioners, and generally to do all such acts concerning the said endowments as may from time to time appear to them to be necessary or expedient for the purpose of administering the endowments of the district to the best advantage. Provided that the Commissioners may from time to time, if in their discretion they shall so think fit, remove any agent or other officer appointed by an Estates Committee, and upon failure by any Estates Committee to perform any duty or to carry out any direction prescribed by this Scheme or by the Commissioners, the Commissioners may themselves take such proceedings as they may deem necessary or expedient to perform or carry out each duty or direction.

Distribution of Ulster Royal School Endowments.

Distribution of Endowments for first three years.

40. Subject to the other provisions of this Scheme, and after providing for all proper and necessary outgoings charges and liabilities, the annual income received by the Commissioners from the endowments of each of the Ulster Royal Schools during each of the first three calendar years commencing after the date of this Scheme, shall be paid by the Commissioners as soon as conveniently may be, in equal shares, to the two Local Boards of the district in which the School is situated, and shall be applied by the Local Boards respectively for the following purposes, or for such and so many of them as the said Boards respectively shall deem expedient:—

(a.) To aid, maintain, extend, or improve any existing Intermediate School or Schools, situated in the district, and managed by the Local Board in accordance with the provisions of this Scheme:

(b.) To establish, or aid in establishing, in the district, any Intermediate School or Schools to be managed as aforesaid:

(c.) By the investment and accumulation of the sums paid as aforesaid or any part thereof, in the name of the Local Board, to form a capital fund of which the principal and interest may from time to time be applied, as such Local Board shall deem expedient, to aid, maintain, extend, improve, or establish any such Intermediate School or Schools as aforesaid.

(d.) By such other means and in such other manner as the Local Board shall deem expedient, to make such provision for Intermediate Education in the district as shall appear best calculated to enable the Local Board, upon and after the expiration of the said three years, to avail themselves of the provisions of this Scheme.

Distribution of Endowments after first three years.

41. Subject to the other provisions of this Scheme, and after providing for all proper and necessary outgoings, charges, and liabilities, the annual income received by the Commissioners from the endowments of the several Ulster Royal Schools, hereinafter called the Ulster Royal School endowments, during each calendar year commencing more than three years after the date of this Scheme, shall be distributed by the Commissioners among the several Local Boards for the purposes of Intermediate Education as hereinafter provided.

Minimum Grants.

42. For each calendar year commencing more than three years after the date of this Scheme, each Local Board shall in the first instance be entitled to receive from the Commissioners a minimum grant, to be calculated as follows:—

To each of the Armagh Local Boards, twenty per cent. of the net income received during the year from the endowments of the Armagh Royal School, other than the School premises.

To each of the Tyrone Local Boards, twenty per cent. of the net income received during the year from the endowments of the Dungannon Royal School, other than the School premises.

To each of the Fermanagh Local Boards, twenty per cent. of the net income received during the year from the endowments of the Enniskillen Royal School, other than the School premises.

To each of the Cavan Local Boards, twenty-five per cent. of the net income received during the year from the endowments of the Cavan Royal School, other than the School premises.

To each of the Donegal Local Boards, fifty per cent. of the net income received during the year from the endowments of the Raphoe Royal School, other than the School premises.

Division of Residue by Results.

43. After payment of the minimum grants calculated as aforesaid, the residue of the annual income received by the Commissioners from the Ulster Royal School endowments, during each calendar year commencing more than three years after the date of this Scheme, shall be treated as a common fund, and shall be distributed in proportion to results among the several Local Boards for the benefit of the Intermediate Schools situated in the several districts which fulfil the conditions hereinafter set forth, and for which claims to share in the said endowment shall be made and established as hereinafter provided. The Commissioners shall keep such accounts as may be necessary to enable them within one month after the last day of each half year, commencing from the first day of January next after the date of this Scheme, to provisionally ascertain, declare, and pay to the several Local Boards the several payments by this Scheme directed: the Commissioners, in so doing, may take into account all outgoings, charges, and liabilities, for which it may, in their judgment, be necessary to provide out of the income of the several endowments, and after the completion of each annual audit of their accounts the Commissioners may vary the amount of any subsequent payment or payments, so far as may be necessary to rectify any previous error, or to compensate for any over payment or under payment which may have been provisionally made to any Local Board.

Claims to Residue.

44. Each Local Board may, in and for each year commencing more than three years after the date of this Scheme, claim, in such manner as the Commissioners shall prescribe, a share of the residue of the income of the Ulster Royal School endowments for any Intermediate School or Schools within their district which, during such year, shall have fulfilled the conditions hereinafter set forth, and the whole amount of such residue shall be divided by the Commissioners among the several Local Boards for the benefit of the Schools for which such claims shall have been made and established to the satisfaction of the Commissioners, in proportions to be calculated by results in accordance with the provisions contained in Schedule I. hereto.

Conditions for Schools sharing in Royal School Endowments.

45. No School shall be qualified to share in the Ulster Royal School endowments, nor shall any minimum grant or any part of the residue of the said

endowments be applicable by any Local Board for the benefit of any School or of the pupils thereof, unless such School fulfils the following conditions:—

(a) The School shall be managed by the Local Board of the district within which it is situated, either directly or through a School Committee established, appointed or recognised as hereinbefore provided.

(b) Instruction shall be given in the School in the following subjects, at the least:—

In a Boys' School—Latin, Greek, English (including History, Geography, Grammar, and Composition); French or German; Arithmetic, Algebra, and Euclid.
In a Girls' School—Latin, English (including History, Geography, Grammar, and Composition); French or German; Arithmetic, and one other Mathematical subject; and Music or Drawing.

(c) The Inspector appointed by the Lord Lieutenant shall be satisfied and shall report that the buildings, premises and appliances of the School are sufficient and suitable for an efficient Intermediate School, and are in good order, and that a competent staff for the efficient teaching of the required subjects is employed in the School.

(d) The School shall, during the year for which the claim is made, have had in regular attendance not less than twenty-five pupils receiving an Intermediate Education, and not less than ten pupils of the School shall, during such year, have passed a qualifying examination in subjects of Intermediate Education as defined in Schedule II. hereto, having each made not less than one hundred attendances at the School during the twelve calendar months preceding the examination.

Provided that in any case in which a School may be prevented by any temporary or accidental cause, from fulfilling the conditions aforesaid during any year, the Commissioners may for such year dispense with the fulfilment of any one or more of the said conditions, upon being satisfied that the School is likely to fulfil the same in the next succeeding year, but such dispensation shall not be made for the same School in two consecutive years.

Free Places in Schools sharing in Minimum Grants.

46. Every School sharing in the minimum grant received by any Local Board, shall be required, besides fulfilling the conditions aforesaid, to provide and maintain to the satisfaction of the Commissioners and of the Inspector appointed by the Lord Lieutenant, a certain number of free places, in accordance with the following provisions:—

(a) Two free places at the least in each year shall be offered for competition by examination among all candidates qualified as hereinafter mentioned.

(b) Each candidate shall, during each of the two years next before the day appointed for the examination, have made not less than 100 attendances as a pupil at a public elementary school within the district; shall not on the day of examination exceed the age of fourteen years; shall be of good conduct and character; and shall be in such circumstances as to need, and to be capable of taking full advantage of free Intermediate Education in the School.

(c) The examination shall be held at a time and place within the district, and in a course, to be appointed and publicly announced not less than six months previously by the Local Board, subject to the approval of the Commissioners, and shall be conducted by an Examiner or Examiners appointed by the Local Board, subject to the like approval.

(d) The subjects of examination shall be those of Elementary Education only, and not below the standard

of the Fifth Class, as defined by the Rules and Regulations of the Commissioners of National Education for the time being.

(e) The name and address of every candidate, with a statement of his or her circumstances, and a certificate of attendance signed by the Manager of the School or Schools attended by him or her, and such further evidence of qualification as the Local Board may reasonably require, shall be furnished to the Local Board not less than one month before the examination. If any question shall arise as to the qualification of any candidate, the same shall be inquired into and determined by the Examiner or Examiners, whose decision and report upon all such questions, and upon the merits of the candidates, shall, subject to the approval of the Commissioners, be final.

(f) No free place shall be awarded to any candidate whom the Examiner or Examiners shall not report to have shown sufficient merit. Each candidate to whom a free place shall be awarded shall be entitled (subject to removal for misconduct or failure to make satisfactory progress) to receive Intermediate Education as a day pupil in all the subjects taught in the School, free of charge, for two years from the commencement of the term next following the examination; or, if admitted as a boarding pupil, shall (subject as aforesaid) be entitled to a reduction in the fee usually charged for boarding pupils of the same age, equal to the full amount of the highest fee charged to day-pupils in the School.

Application of the Endowments by the Local Boards.

47. All moneys received by the Local Boards under or for the purposes of this Scheme shall (subject to the other provisions of this Scheme, and to any special trusts and conditions upon which any part thereof may be received), be expended and applied by them for or towards the following purposes, or for or towards such and so many of them as the Local Boards respectively shall deem expedient:—

(a) To maintain the buildings, furniture, appliances, and premises of the several Schools managed by them, in good order and condition, and to make such additions thereto, and improvements therein, as may be required from time to time.

(b) To pay all rents, taxes, cost of insurance, and other charges, necessarily or properly payable out of or for the School premises, and to defray the necessary working expenses of the Schools, and the cost of management.

(c) To provide for the education of the pupils; for this purpose the several Local Boards may, directly or through School Committees, employ and pay such Masters, Teachers, and other educational staff, as they may deem it expedient to engage for the instruction of the pupils in the Schools managed by them.

(d) To provide prizes for the most deserving pupils; such prizes may be awarded in money, or in remission of School fees, or in such other manner as the Governors may deem best calculated to stimulate the industry, reward the diligence, or promote the progress of the pupils, or may be so given as to enable or encourage deserving and capable pupils from Elementary Schools of the district to obtain free education, or education at a reduced cost, in the Schools.

(e) To establish, in connection with any School or Schools, Exhibitions or Scholarships, which shall in each case have such value, and shall be awarded upon such examination, and shall be held subject to such conditions, as the Local Board establishing the same shall think fit. These Exhibitions and Scholarships may be given so as to enable their holders to education at the Schools free of cost, or at a reduced cost, or may

be tenable at such University, College, or other place of higher education elsewhere, as the Local Board establishing the same may from time to time determine.

The amount of the minimum grant received by each Local Board shall be expended by them for the purposes of an Intermediate School or Schools managed by such Local Board, to be selected by the Board from the Schools within the district which fulfil the conditions hereinafter set forth; or if there be no such School, shall be expended by them for the purposes of an Intermediate School or Schools managed by some other Local Board or Boards, to be selected in like manner from the Schools in the other districts which fulfil the said conditions. The minimum grant received by each Local Board may be applied by them for the benefit of any qualified School or Schools, or for the benefit of the pupils of any such School or Schools, in such proportions and in such manner as the Local Board shall think fit, but any share of the residue of the income of the Ulster Royal School endowments received by any Local Board upon a claim for results shall be applied by them for the benefit of the School for which such claim shall have been established as hereinafter provided, or for the benefit of the pupils of such School.

Aid from Public Sources.

48. The several Local Boards may from time to time make all arrangements necessary to enable them to obtain for the Schools under their management, from the Intermediate Education Board, from the Science and Art Department, or from any other public body, such aid, by way of teachers' salaries, results fees, prizes, provision for technical or special education, and grants or loans for building or other purposes, as may at any time be available for or open to like Schools or the pupils thereof; and they may, notwithstanding anything herein contained, place any or all of their Schools or classes in connection with or under the inspection of any such public body as aforesaid, and they may comply with any rules or regulations for the time being in force respecting Schools or pupils receiving such aid; and all money and other aid which the several Local Boards may so receive shall, subject to such rules and regulations, be applied by them respectively, in conformity with the provisions of this Scheme, and accounted for accordingly.

Religious Instruction.

49. The several Local Boards may, from time to time, make such provision for the religious instruction of the pupils of the Schools under their management as they shall think fit; provided also that such religious instruction shall be given with due regard to the religious denominations to which the pupils shall respectively belong, and that no pupil shall be permitted to receive or to be present at any religious instruction to which his parents or guardians shall object, and that the times for giving religious instruction, and the mode of giving it, shall be so fixed that no pupil desirous to receive such instruction shall be thereby in effect excluded, directly or indirectly, from any of the other advantages afforded by the School.

School Buildings and Premises.

50. The buildings of each of the Ulster Royal Schools, and the lands used and occupied therewith at the date of this Scheme, hereinafter called the School premises, shall be regarded as part of the Royal School endowment of the district, and from and after the date at which the services of the several Head Masters who were in office at the date of the passing of the Act shall be discontinued, the said School premises

respectively shall be held and disposed of as herein-after provided. The said School premises, or the value or produce thereof, subject to the provisions hereinafter contained, shall be reserved, in each case, exclusively for the educational benefit of the district in which they are situated, and shall (subject to the provisions as to private endowments hereinafter contained) be treated as belonging in equal shares to the two Local Boards of the district.

As soon as conveniently may be after the date of this Scheme, the two Local Boards of each district shall meet, or shall depute the Estates Committee of the district to meet, and consider how the School premises should be dealt with so as best to promote the general interests of education in the district. The Local Boards or Estates Committee shall, in each case, consider whether it would be more advantageous to employ the School premises for the purposes of education, or to dispose of them by sale or letting, or to dispose of certain portions by sale or letting and to employ other portions for the purposes of education. They shall also consider whether it would be desirable, if the premises should be employed for the purposes of education, that they should be let, jointly or in several portions, to the two Local Boards or to School Committees established appointed or recognised by them, or should be let wholly or partly to one Board or School Committee, for the purposes of a School or Schools to be managed by such Board or Boards, or by such Committee or Committees; and they shall consider the terms and conditions on which the premises might be most advantageously and justly dealt with, having due regard to the interest of both Local Boards therein.

In considering these questions the Local Boards or Estates Committee shall in each case take into account:—

- (a.) The extent of School accommodation that may already exist in the neighbourhood of the School premises for the purposes of Intermediate Education.
- (b.) The special wants of each of the Local Boards and of the denominations represented by them, with respect to Intermediate School accommodation in the neighbourhood of the School premises.
- (c.) The relative facilities possessed by each Local Board for acquiring suitable accommodation for any Intermediate Schools established or managed by them, or likely as to be.
- (d.) The amount of capital or income that could be made available for the educational benefit of the district by the sale or letting of the School premises, or any part thereof.

If, having duly considered the matters aforesaid, the Local Boards or Estates Committee of any district shall agree upon a Scheme for the disposal of the School premises of their district, they may submit the same to the Commissioners, who shall confirm the same if satisfied that it is for the benefit of education in the district so to do, or, if not so satisfied, may remit it for further consideration to the Local Board or Estates Committee by whom the same may have been prepared.

If within six calendar months after the date of this Scheme the Local Board or Estates Committee shall not have submitted a Scheme to the Commissioners for the disposal of the School premises of their district, the Commissioners, as soon as conveniently may be, shall give public notice of their intention to sell or let the said premises to the best advantage, and shall sell or let the same accordingly; provided that every such sale or letting shall be subject to the approval of the Lord Lieutenant.

Under any Scheme submitted as aforesaid, and upon any sale or letting of school premises by the Commissioners, either or both of the Local Boards of the dis-

trict, or any School Committee established appointed or recognised by them, may become the tenants or purchasers of the School premises or any part thereof upon such terms as may be agreed upon, or as the Commissioners shall deem reasonable, subject to the following provisions:—

(a.) The fair value of any School premises taken by a Local Board or School Committee shall be ascertained or estimated, by way of annual occupation rent or of purchase money as the case may require, and the amount so ascertained or estimated shall be treated as received by the Local Board out of the Royal School Endowment of the district, and the Local Board so receiving the same shall be bound to pay or account for the same accordingly.

(b.) Any Local Board taking any portion of the School premises, directly or through a School Committee, may account for the share of the value thereof belonging to the other Local Board of the district by charging the same, by way of annual occupation rent or of purchase money as the case may require, against an equal amount of the minimum grant or any other moneys payable to such Local Board under this Scheme.

(c.) All moneys received or charged by the Commissioners by way of income or annual rent from the sale or letting of School premises, shall be paid or credited by them in equal shares to the two Local Boards of the district, and shall be applied as if the same were part of the minimum grant payable to the Local Board receiving the same, and as an addition to such minimum grant.

(d.) All moneys received or charged by the Commissioners by way of purchase-money fines or capital from the sale or letting of School premises, shall be invested or held by them for the benefit of the Local Boards of the district in equal shares, and each Local Board may, with the approval of the Commissioners, at any time and from time to time, expend the whole or any part of their share of such moneys in acquiring or erecting new or additional School premises, or acquiring additional ground for any School managed by such Local Board, or in enlarging or improving the then existing buildings of any such School, or in providing suitable residences for the master or other members of the teaching staff employed therein, or in providing new or additional School furniture or appliances for any such School. The Commissioners shall, upon the written application of the Local Board concerned, from time to time realise and pay out of the moneys aforesaid such sums as may be required for the purposes aforesaid.

Private Endowments.

51. In the consideration of any Scheme for the disposal of School premises, and upon any sale or letting of such premises, and upon every dealing with the moneys received from any such sale or letting, or with the value of such premises, if it shall appear that any portion of the existing premises was provided or erected by any Protestant benefactor out of private moneys, and is of ascertainable value, the present value of such portion shall be ascertained accordingly, and shall be treated for all purposes as belonging exclusively to the share of the Protestant Local Board in the premises, and shall be taken into account and dealt with accordingly.

Compensation for Vacated Interests.

Compensation to Head Masters.

52. On and after the first day of January next following the date of this Scheme, the services of the Head

Masters of the Royal Schools of Dungeness, Enniskillen, Cavan, and Raphoe, if then still in office, shall be discontinued; but, notwithstanding such discontinuance, each of the said Head Masters who was in office at the date of the passing of the Act, shall be entitled (subject to the provision for commutation hereinafter contained) to receive from the Commissioners, during his life, a retiring annuity equal in amount to the annual salary to which he was entitled out of the Royal School endowment at the date of the passing of the Act; such annuity to be payable quarterly, and to be secured by the Ulster Royal School endowments in priority to all other payments and charges under this Scheme, but to be in the first instance charged upon and payable out of the interest and principal of the Compensation Fund hereinafter mentioned. Within three months after the first day of January aforesaid, but not at any other time, any Head Master to whom a retiring annuity is then so payable may apply to the Commissioners to commute the same for a capital sum, to be calculated in accordance with the provisions of the Pensioners Commutation Act, 1871, and upon the terms and at the rates applicable to the commutation of pensions under the said Act, and thereupon the Commissioners, on being satisfied that the applicant is in his usual and ordinary state of health, shall ascertain such capital sum, and shall raise and pay the same to him accordingly, out of the fund and property chargeable with the said annuity, which shall thereupon cease.

Assistant Masters.

From and after the first day of January aforesaid, the services of the several Assistant Masters of the said Royal Schools, if then still in office, shall be discontinued; and upon such discontinuance each of the said Assistant Masters who was in office at the date of the passing of the Act, shall be entitled to receive from the Commissioners a retiring gratuity equal in amount to the annual salary to which he was entitled out of the Royal School endowment at the date of the passing of the Act, together with a further sum of equal amount for each completed period of five years, over and above the first period of five years, that shall have elapsed between the date of his appointment to the office held by him at the passing of the Act, and the date of the discontinuance of his services under the foregoing provision. The Commissioners shall ascertain the amount of each retiring gratuity, and shall pay the same out of the Compensation Fund to the Assistant Master entitled to receive the same, immediately after the discontinuance of his services.

Compensation Fund.

53. From and after the date of this Scheme the Commissioners shall set apart as a Compensation Fund, and shall place to the credit of a separate capital account, the moneys, funds, and securities specified in Schedule III. hereto, and shall apply the same and the annual revenue arising therefrom as hereinafter provided:—

The annual revenue arising from the capital of the Compensation Fund, or such portion thereof as shall not be expended under the provisions hereinafter contained, shall be placed to the credit of a Compensation Revenue account, and the retiring annuities and any sums required for commutation thereof, and the retiring gratuities payable by the Commissioners under this Scheme, shall in the first instance be charged against and paid out of the sum standing to the credit of that account so far as the same will extend. If at any time any sum shall be standing to the credit of the said account which is not required for the purposes aforesaid, the Commissioners shall invest and accumulate the same as part of the capital of the Compensation Fund.

If, and whenever the sum standing to the credit of the Compensation Revenue account shall be insufficient to pay the sums for the time being required for the purposes aforesaid, the Commissioners shall realise from the capital of the Compensation Fund the sum necessary for the said payments.

If, and whenever the capital of the Compensation Fund shall be exhausted, or shall prove insufficient to pay the sums for the time being required for the purposes aforesaid, the Commissioners shall, out of the residue of the annual income of the Ulster Royal School endowments, after payment of the minimum grants to the several Local Boards, or by sale or mortgage of the said endowments, raise the sum necessary for the said payments, but the Commissioners shall so adjust the accounts of the endowments of the several Ulster Royal Schools that the amount so raised and paid shall be borne by the said endowments, in proportion to their value, to be estimated by the Commissioners, whose estimate shall be final.

If any portion of the Compensation Fund shall remain after payment of all the sums required for the purposes aforesaid, the Commissioners shall allocate the same among the endowments of the several Ulster Royal Schools, in proportion to their value, to be estimated by the Commissioners, whose estimate shall be final.

Exhibitions and Scholarships.

54. Every person who, at the date of this Scheme, shall hold any exhibition or scholarship payable out of the Royal School endowments, or any of them, shall continue to hold, and shall be entitled to receive the endowments of the same from the Commissioners, for the same period and upon the same terms and out of the same funds as if this Scheme had not passed, in priority to all or any sums payable by the Commissioners to any of the Local Boards under the provisions of this Scheme.

Special Provisions as to Armagh Royal School.

Head Master's Fixed Interest.

55. If the Rev. William Moore Morgan, LL.D., shall, at the date of this Scheme, be still in office as Head Master of Armagh Royal School, he shall thenceforth, so long as he continues to discharge the duties of his office, be entitled to hold the same, and to receive the emoluments thereof, as hereinafter set forth.

He shall be entitled to the free use and occupation of the School premises, for the purpose of carrying on the said School, and the Commissioners shall, so long as the said premises shall be so used and occupied by him, pay and apply for or towards the rent, taxes, cost of insurance, cost of maintenance and repair, and other outgoings of the said premises, such annual sum not exceeding £175, being the estimated average amount heretofore so applied, as shall be required for the purposes aforesaid.

The Commissioners shall also pay to the said Rev. William Moore Morgan, LL.D., an annual salary of £400, being the annual salary payable to him out of the Armagh Royal School endowment at the date of the passing of the Act, such salary to be paid in the same manner and out of the same funds as if this Scheme had not passed.

The Commissioners shall also pay to the said Rev. William Moore Morgan, LL.D., so and towards the salary of an assistant master, so long as such master shall be engaged by him, and so long as the Inspector appointed by the Lord Lieutenant shall report that the services of such master are required and are efficiently rendered, the annual sum of £150, being the amount which, at the date of the passing of the Act, was so applied.

The said Rev. William Moore Morgan, LL.D., shall continue to be entitled to receive the same or the

like School fees from the pupils of the School, and such School fees shall be applicable by him in the same manner as if this Scheme had not passed; and the amount thereof shall not be altered without his consent.

Exhibitions.

55. So long after the date of this Scheme as there shall be in the Armagh Royal School any pupil or pupils who, having been a pupil at the date of the passing of the Act, would, if this Scheme had not passed, have been entitled to compete for any Exhibition or Scholarship payable out of the Armagh Royal School endowment under the same or the like regulations as were in force in and for the year 1857, the Commissioners shall provide such Exhibition or Scholarship for any qualified pupil to whom the same may, upon competition, be awarded. The amount of such Scholarship or Exhibition shall be paid by the Commissioners out of the same funds and in the same priority as if this Scheme had not passed.

Payments.

57. The several payments to be made by the Commissioners under the foregoing clauses 55 and 56, shall be charged against the annual income received from the Armagh Royal School endowment in priority to all or any sums payable by the Commissioners to either of the Armagh Local Boards under the provisions of this Scheme, but shall be treated as having been received by the Armagh Protestant Local Board on account of the sums which would otherwise be payable under the provisions of this Scheme by the Commissioners to the said Board, whether by way of minimum grant or for results: Provided always that if in any year the total amount which would be so payable to the said Board under the provisions of this Scheme shall exceed the total amount payable under this clause, the amount of the difference shall be paid and applied as heretofore provided, and that if in any year the total amount of the payments made under the foregoing clauses 55 and 56, shall exceed the total amount which would otherwise be payable as aforesaid, the excess shall not be carried forward or charged against the said Local Board in any subsequent year.

Minimum Grant to Armagh Roman Catholic Local Board.

58. From and after the date of this Scheme, if, in any year, after providing the sums payable under the foregoing clauses 55 and 56, the net income received during the year from the Armagh Royal School endowment shall not be sufficient to provide a minimum grant of twenty per cent. of such net income for the Armagh Roman Catholic Local Board, that Board shall be entitled to receive from the Commissioners, as a minimum grant, such a sum as with the residue of the said net income will make up the amount of twenty per cent. of such net income. The sum required to make up the amount aforesaid shall be paid by the Commissioners to the said Local Board, by an equal proucentage rate, out of the annual income of the endowments of the Ennistullen, Dringallen, and Cavan Royal Schools, after payment to each of the other Local Boards of an amount equal to the minimum grant heretofore provided for such Board.

Postponement of Application of Scheme to Armagh Royal School.

59. So long as the Rev. William Moore Morgan, LL.D., shall continue to hold the office of Head Master of the Armagh Royal School, the provisions of this

Scheme as to the disposal of the School premises shall not take effect, but whenever the said Rev. William Moore Morgan, LL.D., shall vacate his office, the provisions aforesaid shall thereupon take effect, and the Local Board and Estates Committee of the district, and the Commissioners, respectively, shall immediately thereupon have and exercise the several powers hereinbefore contained with respect to the disposal of School premises. Provided that in addition to the matters mentioned in the foregoing clauses, 50 and 51, account shall be taken, in the case of the Armagh Royal School, of the circumstances of the said School at the time when the Rev. William Moore Morgan, LL.D., shall vacate his office, and if the said School shall then be in a condition of efficiency, regard shall be had to the advantages which would accrue to education in the district from an arrangement by which the Armagh Protestant Local Board, or a School Committee established appointed or recognised by them, should retain the management of the said School, and should become the tenants or purchasers of the School premises upon terms to be ascertained in accordance with the provisions of the clauses aforesaid.

Compensation to Head Master.

60. If, and whenever the Rev. William Moore Morgan, LL.D., shall retire from his office as hereinafter provided, or the Inspector appointed by the Lord Lieutenant shall report, and the Commissioners shall be of opinion, that the Armagh Royal School is no longer efficiently conducted by him, his services shall be discontinued by order of the Commissioners. Whenever the Rev. William Moore Morgan, LL.D., shall have held his office for thirty years, or shall before that time have become incapable from any cause other than his own wilful misconduct of longer conducting the Armagh Royal School with efficiency, he may retire from his office, and unless his services shall be discontinued for wilful misconduct, he shall, from the date of the order discontinuing his services, be entitled to receive during his life from the Commissioners a retiring annuity equal in amount to one thirtieth part of his annual salary of £400 for each completed year that shall have elapsed since the date of his appointment. Such retiring annuity shall be subject to the like provisions for commutation (to take effect from the date of its commencement), and shall be payable in the like manner, and shall be in all respects subject to the like provisions, as are hereinbefore contained with respect to the retiring annuities of the Head Masters of the other Ulster Royal Schools.

Compensation to Assistant Master.

61. If, at the date of this Scheme, the Rev. William Moore Morgan, LL.D., and Thomas Gordon, Esq., shall both still be in office, as Head Master and Assistant Master respectively of the Armagh Royal School, and if the said Thomas Gordon, Esq., shall continue in office as such Assistant Master until the Rev. William Moore Morgan, LL.D., shall vacate the office of Head Master, the said Thomas Gordon, Esq., shall thereupon vacate his office, and shall be entitled to receive from the Commissioners a retiring gratuity to be calculated from the date of vacating his office, and to be paid in the same manner as the retiring gratuities hereinbefore provided for the several Assistant Masters of the other Royal Schools.

*Banagher Royal School.
Head Master's Vested Interest.*

62. If Patrick King Joyce, Esq., M.A., shall at the date of this Scheme be still in office as Head Master of the Banagher Royal School, he shall thenceforth so long as he continues to discharge the duties of his office be entitled to hold the same and, so far as the Banagher Royal School endowment will extend, to

receive the emoluments thereof as hereinafter set forth.

He shall be entitled to the free use and occupation of the School premises for the purpose of carrying on the said School, and the Commissioners shall, so long as the said premises shall be so used and occupied by him, provide and pay the yearly rent of £30 payable in respect of the said premises, and provide and apply for or towards the taxes, cost of insurance, cost of maintenance and repair, and other outgoings of the said premises, each annual sum not exceeding £16, being the estimated average amount heretofore so applied, as shall be required for the purposes aforesaid.

The Commissioners shall also pay to the said Patrick King Joyce an annual salary of £100, being the annual salary payable to him out of the Banagher Royal School endowment at the date of the passing of the Act, such salary to be paid in the same manner and out of the same funds as if this Scheme had not passed.

Compensation to Head Master, and Discontinuance of School.

63. If and whenever the said Patrick King Joyce shall resign his said office, or the Inspector appointed by the Lord Lieutenant shall report, and the Commissioners shall be of opinion, that the Banagher Royal School is no longer efficiently conducted by him, his services shall be discontinued by order of the Commissioners, and unless his services shall be discontinued for wilful misconduct, he shall, from the date of the order discontinuing his services, be entitled to receive during his life from the Commissioners a retiring annuity equal in amount to one-thirtieth part of his annual salary of £100 for each completed year that shall have elapsed since the date of his appointment. Such retiring annuity shall be subject to the like provisions for commutation (to take effect from the date of its commencement), and shall be payable in the like manner, and shall be in all respects subject to the like provisions, as are hereinbefore contained with respect to the retiring annuities of the Head Masters of the Ulster Royal Schools.

Provided that no payment for or in respect of the Banagher Royal School, or the Head Master thereof, shall be charged upon or paid out of any other fund or estate than the Banagher Royal School endowment.

Distribution of Banagher Endowments.

64. Whenever the said Patrick King Joyce shall vacate his office, the Banagher Royal School shall be discontinued, and the School premises shall be surrendered, let, sold, or otherwise disposed of by the Commissioners as they shall deem most advantageous. The Commissioners, by sale, mortgage, or other disposition of the Banagher Royal School endowment, so far as the same will extend, shall provide and pay such amount as may be required to discharge all incumbrances, charges, and liabilities affecting the same, and to provide for the several payments aforesaid.

After paying or providing all sums so required, the annual income or produce of the lands or investments constituting the Banagher Royal School endowment shall be paid by the Commissioners to the Intermediate Education Board for Ireland, who shall annually distribute the same by way of results fees to the managers of those Schools situated in the King's County, which receive results fees under the Intermediate Education (Ireland) Act, 1878. The results fees payable under this clause shall be in addition to any other results fees payable to the same managers, and shall be paid in the same proportions. If in any year there shall be no student qualified as aforesaid, or the number of such students shall in the opinion of the Intermediate Education Board be insufficient to justify the payment of the full amount of the results

foresaid, the said Board may invest and accumulate all or any part of the income of the said endowments, or may pay the same by way of rents fees to the managers of Schools situated in any adjoining county, as they shall think just and reasonable.

Caryfort Royal School.

65. From and after the date of this Scheme the Caryfort Royal School shall be discontinued, and the School premises shall be dealt with by the Commissioners as a portion of the Caryfort Royal School endowment, and shall be sold, let, or otherwise disposed of by them to the best advantage. All rents, other than current rents or other income, received by the Commissioners from the said endowment shall be invested by them as part of the capital of the endowment, and they may also invest and accumulate any income thereof not received for the other purposes of this Scheme.

From and after the date of this Scheme the Caryfort School district shall include and consist of the parish, or union of parishes, under the same incumbent or Parish Priest, in which the town or village of Caryfort is situated, and the said endowment shall be held and administered by the Commissioners for the educational benefit of the said district in the manner hereinafter provided.

The Commissioners shall, for each calendar year after the date of this Scheme, ascertain and declare the net income received by them during the year from the Caryfort Royal School endowment, and shall thereupon allocate the same among the Elementary Schools situated in the district which shall have been reported by the Inspector appointed by the Lord Lieutenant to be efficient Schools; provided that no School shall be regarded as efficient which has not a suitable School building, and an average attendance of fifteen pupils at the least, with at least one teacher qualified as a "Classed Teacher" under the Rules and Regulations of the Commissioners of National Education.

One half of the amount to be allocated as aforesaid shall be divided in equal shares, without regard to the number of pupils in attendance, among all the Elementary Schools in the district, reported to be efficient as aforesaid; the remaining half of such amount shall be allocated among the said several Schools in proportion to the average number of pupils in daily attendance for Elementary Education during the year preceding.

In ascertaining the average attendance of pupils for the purposes of this Scheme, the Commissioners may make such allowance as they shall think just for any reduction of actual attendances due to temporary and exceptional causes for which allowance might be made under the Rules and Regulations of the Commissioners of National Education, regarding teachers' salaries.

The share of the endowment allocated to each School shall be paid by the Commissioners to the Manager of the School and shall be applied by him for the benefit of the School, subject to the provisions of this Scheme, and he shall annually account to the Commissioners for his application thereof.

The money received by the Manager of each School under the provisions of this Scheme, shall be applied by him for such and so many of the following purposes as to him shall seem expedient:—

(a.) To provide or supplement the salaries or emoluments of any teachers or mistresses employed in the School.

(b.) To employ and pay such teachers as the Manager may deem it expedient to engage for the instruction of the pupils in such subjects of elementary, agricultural, technical, or industrial education as he shall deem suitable or useful for any sufficient number of pupils of the School. Provided that the Managers of all the Schools in

the district, or any two or more of them, may combine for the purpose of employing from time to time and paying out of the endowments one or more teachers of special subjects who shall teach in all the Schools subject to the Managers so combining. Such teacher or teachers may be employed to give instruction in drawing, modelling, agriculture, cottage industries, and such other branches of technical and industrial education as in the opinion of the Managers may be found best suited to the wants of the locality and the requirements of the pupils.

(c.) To establish and maintain Exhibitions and Prizes to be offered for competition by examination, among the pupils of the School, upon such terms and subject to such regulations as the Commissioners may approve.

The Commissioners may, from time to time, make building grants, or grants in aid of building, not exceeding £500 in all, out of the capital of the Caryfort Royal School endowment, for the erection and permanent improvement of Elementary Schools in the district, provided that no one such grant shall exceed £150, and that, in the opinion of the Commissioners, the educational requirements of the district, and the circumstances of those entitled to benefit from the endowment, render such grant just and expedient.

The Commissioners shall, from time to time, make such rules and regulations as they shall deem necessary or expedient, for giving effect to the provisions of this Scheme, for the purpose of promoting Elementary Education in the Caryfort Royal School district by means of the Royal School endowment aforesaid.

Other Endowments managed by the Commissioners.

66. Save so far as may be otherwise provided by this or any other Scheme framed under the Act, the Commissioners as hereby constituted shall from and after the date of this Scheme continue to hold manage and administer all endowments not heretofore specifically mentioned, and shall continue to exercise all powers and authority, and to do all acts which might otherwise have been exercised or done by the existing Commissioners, in the same manner in all respects as if the constitution of the Commissioners had not been altered.

Payment of Expenses.

67. The Commissioners shall, subject to the provisions of this Scheme, pay out of the income received by them from the endowments, all charges which under the provisions of the Act shall be properly and necessarily payable by them for the costs and expenses of this Scheme, or for audit and inspection, or for other purposes; and the several Local Boards shall, subject to the other provisions of this Scheme, pay out of the income received by them all charges which under the provisions of the Act shall be properly and necessarily payable by them respectively, for the costs and expenses of this Scheme or for audit, or for other purposes.

Printing of Scheme.

68. The Commissioners shall cause this Scheme to be printed, or procure printed copies thereof, and shall keep the same for sale at a reasonable price.

Alteration of Scheme.

69. This Scheme may be altered from time to time by the Commissioners of Charitable Donations and Requests for Ireland in any matter whatsoever upon the application of the Commissioners, provided that such application shall be founded upon a resolution of the Commissioners specifying the alteration required.

which resolution shall be passed by a majority consisting of not less than two-thirds of the Commissioners present at a special meeting convened on due notice for the consideration thereof, and shall be afterwards confirmed at a subsequent special meeting to be held after six days notice at the least. Except upon such application, no alteration shall be so made, and no alteration shall be made contrary to anything contained in the Act.

SCHEDULE REFERRED TO IN THE FOREGOING SCHEME.

SCHEDULE I.

The residue of the income of the Ulster Royal School Endowments shall be annually divided among the several Local Boards, as mentioned in clause 44 of the foregoing Scheme, in proportion to the number of marks obtained by the several Schools for which the said Local Boards, respectively, shall have made and established claims in accordance with the provisions of the foregoing Scheme, such marks to be allotted as follows:—

(1.) Four marks shall be allowed for every pupil—

a. Who passes the Matriculation Examination of any University in the United Kingdom.

b. Who passes in the Senior Grade of the Examinations of the Intermediate Education Board for Ireland, in the several subjects required for a qualifying examination as defined in Schedule II.

(2.) Three marks shall be allowed for every pupil who passes in the Middle Grade of the Examinations of the Intermediate Education Board for Ireland, in the several subjects required for a qualifying examination as defined in Schedule II.

(3.) Two marks shall be allowed for every pupil who passes in the Junior Grade of the Examinations of the Intermediate Education Board for Ireland, in the several subjects required for a qualifying examination as defined in Schedule II.

The Commissioners may, by order duly published, recognise as equivalent to any of the foregoing Examinations any open competitive or other public Examination held in the United Kingdom, at which a pupil passes in the several subjects required for a qualifying examination as defined in Schedule II.

No marks shall be allowed for the same pupil in respect of more than one examination in the same year.

SCHEDULE II.

Each of the following Examinations shall, for the purposes of this Scheme, be deemed to be a qualifying examination in subjects of Intermediate Education:—

(a) The Examinations of the Intermediate Education Board for Ireland, at which a pupil passes in the following subjects at the least:—

For Boys—Latin or Greek; English; French or German; Arithmetic, and one other Mathematical subject.

For Girls—English; French or German, or Latin; Drawing or Music; Arithmetic, and one other Mathematical subject.

(b) Any open competitive or other public Examination held in the United Kingdom, at which a pupil passes in the several subjects aforesaid, at the least, and which the Commissioners may, by order duly published, recognise as a test of Intermediate Education equivalent to the foregoing Examinations.

(c) The Matriculation Examination of any University in the United Kingdom.

SCHEDULE III.

COMPENSATION FOR VICTED INTERESTS.

The Compensation Fund.

Each of the following funds and securities as at the date of this Scheme shall be still forthcoming:—

1. The sum of £1,019 16s. 2d., Government Stock, standing in the Books of the Governor and Company of the Bank of Ireland in the names of the Commissioners of Education in Ireland, and in the accounts of the said Commissioners designated as Armagh Royal School Railway Land Investment.

2. The sum of £5,305 18s. 5d., like stock, standing in the same books in the same name, and in the said accounts designated as Cavan Royal School General Investment.

3. The sum of £340 18s. 9d., like stock standing in the same books in the same name, and in the said accounts designated as Dungannon Royal School Railway Land Investment.

4. The sum of £35 7s. 11d., like stock, standing in the same books in the same name, and in the said accounts designated as Dungannon Royal School General Investment.

5. The sum of £2,924 2s. 10d., like stock, standing in the same books in the same name, and in the said accounts designated as Enniskillen Royal School General Investment.

6. Any investments which, on the first day of January next following the date of this Scheme, may represent the foregoing funds and securities, or any of them, or may consist of the income or accumulations thereof, or of any other income of the Royal School Endowments, or any of them.

7. Such sum, if any, as on the first day of January next following the date of this Scheme, shall represent the excess of the balance to the credit of the Ulster Royal Schools upon the Income and Expenditure account of the Commissioners, over and above the balance to the debit of the same schools upon the same account made up to and closed upon that day.

Draft Scheme prepared and published by the Educational Endowments Commissioners in pursuance of the Act, sec. 21.

WM. EDWARD SELBY,
Secretary.

April 30, 1885.

No. IX. (c.)

SCHEME FINALLY APPROVED by the LORD LIEUTENANT, MAY 22, 1891.

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The Ulster Royal Schools.

Whereas in the reign of King James I., upon the distribution and plantation of the lands escheated to the Crown in the Province of Ulster, it was directed by His Majesty that there should be one Free School at least appointed in each of the Counties of Armagh, Tyrone, Donagel, Fermanagh, and Cavan, for the education of youth in learning and religion; and by Letters Patent dated April 25, 1616, it was directed that certain lands assigned in the Plantation of Ulster for the maintenance of the Grammar Schools in that Province should be conveyed by grant from the Crown to the Archbishop of Armagh, that by him they might be distributed and allocated in form of law to the several Schools as he should think fit, and the distribution of the said lands was committed to the said Archbishop, as the person best able to select the most apt places for the establishment of such Grammar Schools:

And whereas King Charles I., by Letters Patent dated December 15, 1637, granted to the Archbishop of Armagh, and to his successors for ever, certain lands assigned as aforesaid for the use of the Masters of the Free Schools established at the town of Mountnorris in the County of Armagh, at the town of Mountjoy in the County of Tyrone, at the town of Donagel in the County of Donagel, at or near the town of Baniskillen in the County of Fermanagh, and at the town of Cavan in the County of Cavan respectively:

And whereas the Schools so established at Mountnorris, Mountjoy, and Donagel, were afterwards removed to Armagh, Dungannon, and Raphoe, respectively, and the five above-mentioned Schools, hereinafter called the Ulster Royal Schools, have since been maintained and are still in operation as Grammar Schools, and are now known as the Royal Schools of Armagh, Dungannon, Baniskillen, Cavan, and Raphoe respectively:

Carysfort Royal School.

And whereas King Charles I., by Letters Patent dated August 23, 1629, granted certain lands to the Sovereign, Burgesses, and Free Commons, of the borough and town of Carysfort, in the County of Wicklow, and to their successors for ever, towards the maintenance of a Free School in the said town:

And whereas an Elementary School was afterwards established near Carysfort aforesaid, and was until recently in operation, and was known as Carysfort Royal School, but the said school has now been discontinued:

Banagher Royal School.

And whereas King Charles I., by Letters Patent, dated September 16, 1629, granted certain lands to the Sovereign, Burgesses, and Free Commons of the borough and town of Banagher, in the King's County, and to their successors for ever, towards the maintenance of a Free School in the said town:

And whereas a Grammar School was afterwards established at Banagher aforesaid, and has since been maintained and is still in operation there, and is known as Banagher Royal School:

14 & 15 Charles II., c. 10.

And whereas by the Act 14 and 15 Charles II., cap. 10, it was, among other things, enacted that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, with the assent of the Privy Council, and with the advice and approbation of the Archbishop of the Province and the Bishop of the Diocese, to remove Free Schools of the foundation of his Majesty or his Royal Progenitors, from one town to another more

convenient, within the same Diocese wherein the School was formerly kept, and to divide the possessions of any one of the said Schools into two or more, where they should find cause:

The Commissioners of Education in Ireland, 53 Geo. III., c. 107.

And whereas by the Act 53 George III., cap. 107, the Lord Primate of all Ireland, the Lord High Chancellor of Ireland, the Lord Archbishop of Dublin, the Lord Archbishop of Tuam, the Lord Chief Justice of Ireland, and the Provost of Trinity College, Dublin, all for the time being, with four of the Bishops of Ireland, and four other persons to be appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, were constituted and appointed as a Corporation with perpetual succession and a common seal, by the name of "The Commissioners of Education in Ireland," for the regulation of the several Endowed Schools of public and private foundation in Ireland in the said Act mentioned, including the above-mentioned Royal Schools; and it was by the said Act, among other things enacted (sec. 4) that it should be lawful for the said Commissioners and their successors from time to time to appoint a secretary to the said Commissioners, with a salary not exceeding the sum of £700, and also such other subordinate officer or officers as they should think proper, for carrying into execution the purposes of the Act, and to certify to the Lord Lieutenant or other Chief Governor or Governors of Ireland, for the time being, such sum or sums of money as they should deem adequate to defray the expense of said officers, and the incidental expenses of the Board; whereupon it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, to direct the issue, out of the Consolidated Fund of Ireland, of such sum or sums of money to defray the expenses of such officers, and the incidental expenses of the Board, as to the said Lord Lieutenant or other Chief Governor or Governors for the time being should seem fitting and convenient; and it was by the said Act (sec. 5) further enacted that it should be lawful for the said Commissioners and their successors to hold any lands or hereditaments whatsoever for the purposes of the said Act; and (sec. 9) to visit each or any of the Endowed Schools therein described as subject to the jurisdiction of the said Commissioners, and to do all other acts appertaining to the office of Visitors relating to such Schools; and it was by the said Act (sec. 11) further enacted that the several lands granted under the hereinbefore recited instruments for the use of the Masters of the Royal Schools of Armagh, Dungannon, Baniskillen, Raphoe, Cavan, Banagher, and Carysfort, should be vested in the said Commissioners and their successors for ever, and that the rents, issues, and profits thereof should from time to time be received, paid, and applied by the orders of the said Commissioners as by the said Act directed; and it was by the said Act (sec. 12) further enacted that it should be lawful for the said Commissioners from time to time to invest in Government securities any sums of money belonging to any of the Schools the estates belonging to which were vested in them, and that such proportion as they should think proper of the issues and profits of all funds or estates applicable to the support of each such School should be applied for the use and benefit of the Schoolmaster thereof for the time being, and such other proportion as they should think proper should be applied for the use and benefit of such Under Master or Masters as the said Commissioners should think necessary for such School; and, after payment of such salary or salaries to such Head Master and Under Master or Masters, to apply such sums as should be deemed necessary in or towards the purchasing, procuring, building, enlarging, repairing, or

furnishing the schoolhouse, with grounds, appurtenances, and other necessary or useful accommodations; and, if any residue should remain, then to apply such residue to supporting, maintaining, and providing such and so many free schools, and to the endowment of such and so many Exhibitions to Trinity College, Dublin, to be held by such persons and under such regulations as to the said Commissioners should seem proper; and provision was also made by the said Act for the control and management by the said Commissioners of the several Schools of private foundation, and Diocesan and other Schools, in the said Act mentioned, and for the exercise by the said Commissioners of the several powers and authorities by the said Act conferred upon them in that behalf;

§ Geo. IV., c. 79.

And whereas by the Act 3 George IV., cap. 78, the constitution of the Commissioners of Education in Ireland was altered, and it was provided (see 8) that whenever any residue should remain of the funds of any of the Royal Schools of Armagh, Dungannon, Enniskillen, Raphoe, Cavan, Banagher, and Curyfort, after defraying the expenses of the Master, and of the Under Master or Masters, if any, and of all outgoings and improvements of the schoolhouse, grounds, appurtenances, and furniture thereof which should be thought necessary, it should be lawful for the said Commissioners, if they should think fit, to cause such residue, on such part or share thereof as they should deem sufficient, to be applied to the like maintenance and improvement of any other or others of the said Schools whose funds might stand in need of such aid, and that if such residue should be more than sufficient for that purpose, then so much as should remain thereof should be applied in the manner in the Act 33 George III., cap. 107, directed: and it was by the said Act (see 11) enacted that all the powers of the said Commissioners should extend to all Schools of the nature and description in the said Act mentioned which had been or should be erected in Ireland; and the powers of the said Commissioners were amended as in the said Act appearing:

17 & 18 Vic., c. 94.

And whereas by the Act 17 and 18 Victoria, cap. 94, it was enacted that the charges and payments for the salaries of the Secretary and other officers of the said Commissioners, and for the expenses of the Board, should cease to be charged on and payable out of the Consolidated Fund of the United Kingdom, and should thenceforth be paid out of such aids or supplies as might be from time to time provided and appropriated by Parliament for the purpose; and the said salaries and expenses have since been annually provided and paid accordingly:

And whereas, under and by virtue of the hereinbefore recited Acts, the said several Royal Schools, and certain Schools of private foundation, Diocesan Schools, and other Schools, with the estates, lands, buildings, tenements, hereditaments, funds, securities, moneys, goods, chattels, and other property, real and personal, thereto respectively belonging, have been and now are vested in the said Commissioners of Education in Ireland, or placed under their jurisdiction management or control:

Sums due from Raphoe Royal School Endowments.

And whereas the said Commissioners have from time to time caused certain sums of money, portion of the funds of other Ulster Royal Schools, remaining after defraying the expenses of the said Schools and paying the Masters thereof, to be applied to the maintenance of the Royal School of Raphoe, whose funds stood and still stand in need of such aid, and the sums so applied, amounting to the sum of 24,200 or

thereabouts, are entered in the accounts of the said Commissioners as due and owing by the Royal School of Raphoe, whose funds are insufficient to repay the same, to the other Ulster Royal Schools:

And whereas all the property, real or personal, now vested in or held by the Commissioners of Education in Ireland, or placed under their jurisdiction management or control, under the hereinbefore recited Acts or otherwise, and all other estates or property now held upon trust for or applicable to the purposes of the above-mentioned Royal Schools, or any of them, now constituting Educational Endowments within the meaning of the Educational Endowments (Ireland) Act, 1885, and the said Act applies to the same:

And whereas it has appeared to the Commissioners under the Educational Endowments (Ireland) Act, 1885, after due inquiry, that provision should be made for altering the constitution of the Commissioners of Education in Ireland, and for the future government and management of the endowments of the Ulster Royal Schools, in manner hereinafter appearing:

Therefore, from and after the date of this Scheme, being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation thereof, the Commissioners of Education in Ireland shall be constituted, and the endowments of the Ulster Royal Schools shall be held, governed, managed, and applied, for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, Letters Patent, Statute, Charter, Deed, Instrument, Trust or Direction, relating to the subject-matter of this Scheme, to the contrary notwithstanding.

Preliminary—Interpretation of Terms.

1. For the purposes of this Scheme, unless the context otherwise requires the following terms shall be interpreted as follows:—

"The Act" shall mean The Educational Endowments (Ireland) Act, 1885.

"The Lord Lieutenant" shall mean and include the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

"The Commissioners" shall mean the Commissioners of Education in Ireland, incorporated under the hereinbefore cited Act, 33 George III., cap. 107, and reconstituted and continued under this Scheme as hereinafter provided.

"The Local boards" shall mean the several Boards of Education hereinafter constituted for the administration of educational endowments in the several districts defined by this Scheme.

"The Ulster Royal Schools" shall mean and include the several Schools established by Royal Letters Patent as hereinbefore recited, and in the said Act, 33 George III., cap. 107, described as the Free Schools of Armagh, Dungannon, Enniskillen, Raphoe, and Cavan.

"The Endowments" shall mean and include all the estates, lands, buildings, tenements, hereditaments, funds, securities, moneys, goods, and chattels, and all rents, interest, dividends, and income thereof, due or accruing, and all other the property, real and personal, at the date of this Scheme vested in or held or possessed by the Commissioners, or by any other person or persons, upon trust for or applicable to the purposes of the Schools vested in the Commissioners, or governed or managed by them, or placed under their jurisdiction or control.

"The Ulster Royal School Endowments" shall mean and include all the endowments held upon trust for or applicable to the purposes of the Ulster Royal Schools and each of them respectively.

"The General Synod" shall mean the body known as "The General Synod of the Church of Ireland," or other the supreme legislative authority for the time

being of the Church formerly established by law, and referred to in the Irish Church Act, 1869, as the Church of Ireland, hereinafter referred to as the said Church, and shall include any authority duly empowered to represent or act for the General Synod in that behalf.

"The Diocesan Council" and "The Select Vestry" shall mean respectively the bodies known as the Diocesan Council and the Select Vestry of the Diocese and Parish in each case named, appointed in accordance with the constitution of the said Church, and shall include any authority duly empowered to perform the functions now performed by the Diocesan Council and the Select Vestry respectively.

"The General Assembly" shall mean the body known as "The General Assembly of the Presbyterian Church in Ireland," hereinafter referred to as the said Presbyterian Church, or other the supreme authority for the time being of the said Presbyterian Church, and shall include any authority duly empowered to represent or act for the General Assembly in that behalf.

"The Methodist Conference" shall mean the assembly known as the Yearly Conference of the people called Methodists in the connexion established by the late Rev. John Wesley, or other the supreme authority for the time being of the Methodist Church in Ireland, and shall include any authority duly empowered to represent or act for the Methodist Conference in that behalf.

"Intermediate Education" shall mean education in such subjects as are or may be included in the Programme of Examinations held by the Intermediate Education Board for Ireland.

"Elementary Education" shall mean such education as may be given in the National Schools which are aided by grants from the Commissioners of National Education in Ireland.

Part I.—The Commissioners of Education in Ireland.—Reconstitution of Commissioners.

2. From and after the date of this Scheme, "The Commissioners of Education in Ireland" shall be constituted in manner hereinafter provided, and as so constituted shall continue to be a Body Corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme, and shall, for the purposes of this Scheme, continue to have, hold, exercise, and enjoy all the powers, jurisdiction, privileges, and authority which, at the date of this Scheme, shall be vested in or capable of being exercised or enjoyed by the Commissioners, under the heretofore recited Acts or otherwise howsoever.

From and after the date of this Scheme, subject to the provision hereinafter contained as to the continuing Commissioners, the said Body Corporate shall consist of the members following, that is to say—

(a) Ten Commissioners appointed by the Lord Lieutenant, as hereinafter provided.

(b) Ten Commissioners elected by the Local Boards, as hereinafter provided.

From and after the date of this Scheme, subject to the provision hereinafter contained as to the continuing Commissioners, no person shall be entitled to be, to continue, or to become a Commissioner by virtue of any office whatsoever.

Continuing Commissioners.

3. In the first instance, such and so many of the existing Commissioners, as at the date of this Scheme shall be able and willing to act, and shall have attended not less than one-fourth of the meetings of the Commissioners held during their tenure of office within three years next before the date of this Scheme, shall continue to be members of the Body

Corporate, and shall be deemed to be Commissioners appointed by the Lord Lieutenant, and shall hold office as if they had been so appointed. The existing Commissioners so qualified are hereinafter referred to as the continuing Commissioners. All the existing Commissioners not so qualified shall, at the date of this Scheme, cease to be members of the Body Corporate, but shall be eligible for appointment or election as Commissioners under this Scheme. From and after the date of this Scheme, the continuing Commissioners, with such and so many Commissioners as shall be appointed or elected as herein provided, shall constitute the Body Corporate, and shall and may have, hold, exercise, and enjoy all the property, powers, jurisdiction, privileges, and authority, of the Commissioners for the time being; provided that every act done by the Commissioners during the period of two months next after the date of this Scheme shall be subject to confirmation by the Commissioners at their first meeting held after the expiration of that period.

Appointment of Commissioners by Lord Lieutenant.

4. The Commissioners appointed by the Lord Lieutenant shall be appointed in manner following, and shall hold office during the pleasure of the Lord Lieutenant. Immediately after the date of this Scheme, and from time to time thereafter, as occasion shall require, the Lord Lieutenant shall appoint such and so many persons resident in Ireland to be Commissioners as, with the continuing Commissioners, shall make up the number of ten Commissioners so appointed.

With the view of securing that the Commissioners shall be persons having the confidence of the several religious denominations entitled to benefit from the endowments, the Lord Lieutenant shall provide, so far as is consistent with the retention of office by the continuing Commissioners, that five of the ten Commissioners appointed by the Lord Lieutenant shall be Protestants and five shall be Roman Catholics.

Whenever any continuing Commissioner or Commissioner appointed by the Lord Lieutenant shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in Ireland, or shall for the space of one year fail to attend any meeting of the Commissioners, or shall be removed from office by the Lord Lieutenant, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the Commissioners, and, except in the case of removal by the Lord Lieutenant, shall be notified by the Commissioners to the Lord Lieutenant.

Immediately after the date of this Scheme, the Secretary of the Commissioners shall prepare from the minutes of the existing Commissioners, and shall forward to the Lord Lieutenant, a list of the existing Commissioners, with the dates of their appointment, and a return of their attendance at the meetings held within three years next before the date of this Scheme, distinguishing those qualified as continuing Commissioners under the provisions hereinafter contained.

Election of Commissioners.

5. At a meeting of each Local Board, to be held after due notice, and within two months after the date of this Scheme, the members present shall elect one person to be a Commissioner. Each Commissioner so elected shall hold office until the last day of the calendar year first ending more than twelve months after the date of this Scheme. At a meeting of each Local Board to be held in the month of November or December in each year and in every year thereafter, the members present shall elect one person to be a Commissioner. Each Commissioner so elected

shall enter upon office upon the first day of January following his election, and shall hold office until the thirty-first day of December next ensuing, or until the election of his successor, whichever shall last happen, or until he shall vacate his office as hereinafter provided.

The several Local Boards may elect Commissioners from among their own number, or may elect such other suitable persons, resident in Ireland, as they shall respectively think fit.

Every outgoing elected Commissioner, if otherwise qualified, shall be eligible for re-election.

Whenever any elected Commissioner shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in Ireland, or shall be removed from office by a resolution, passed after due notice, of the Local Board by which he was elected, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the Local Board by which he was elected, and such Board may thereupon elect a qualified person to fill the vacancy; every Commissioner so elected shall hold office as long only as the Commissioner in whose place he shall have been elected might have held the same.

Vesting of Endowments and Continuance of Powers.

6. From and after the date of this Scheme, subject to the provisions of this or any other Scheme or Schemes framed under the Act, all the Endowments then held by or vested in the existing Commissioners shall remain vested in the Commissioners as hereby constituted, who shall thereupon hold, receive, and apply all the endowments, except the Ulster Royal School endowments, in the same manner as if this Scheme had not passed, and shall thereupon hold, receive and apply the Ulster Royal School endowments, and the rents, issues, dividends, and produce thereof, and all other property and moneys applicable to the purposes of the Ulster Royal Schools, and receivable by the Commissioners in the manner hereinafter prescribed. All powers, jurisdiction, rights, remedies, privileges, and authority, at the date of this Scheme vested in the Commissioners, or capable of being exercised or enjoyed by them, shall continue to be vested in and may be exercised and enjoyed by the Commissioners as hereby constituted. All existing enactments and provisions then affecting, enabling, or relating to "The Commissioners of Education in Ireland," shall thereupon apply to the Commissioners as hereby constituted, save so far as may by this or by any other Scheme or Schemes framed under the Act be otherwise provided.

Officers and Expenses.

7. From and after the date of this Scheme, the Secretary and other officers then in the employment of the existing Commissioners, shall continue to hold office under the Commissioners as hereby constituted, upon the same terms, and shall remain bound to perform the same and all like duties as if the constitution of the Commissioners had not been altered. Every Secretary and other officer appointed by the Commissioners in pursuance of the Act 53 George III., cap. 107, sec. 4, and the Acts amending the same, whether before or after the date of this Scheme, shall be subject to removal by the Commissioners for such misconduct or inefficiency as they shall deem sufficient to justify his removal, and every Secretary and other officer so appointed after the passing of the Act shall also be subject to removal in case the Commissioners shall deem the continuance of the office unnecessary, upon due notice being given in the last mentioned case, or upon payment of a reasonable sum, not exceeding six months' salary, in lieu of notice.

During the absence of the Secretary, or during any vacancy in the office of Secretary, the Commissioners may appoint an officer to act in his place.

The salaries of the Secretary and other officers, and the expenses of the said officers, and the incidental expenses of the Commissioners, shall continue to be provided and defrayed in accordance with the Act 53 George III., cap. 107, and the Acts amending the same.

General Provisions as to the Commissioners, Chairman, Quorum, and Honorary Officers.

8. The Commissioners at their first meeting, held more than two months after the date of this Scheme, and at their first meeting in each calendar year thereafter, shall elect from among themselves a Chairman and a Vice-chairman, who shall continue in office until the first meeting in the succeeding year. The Chairman, and in his absence the Vice-Chairman, shall preside at the meetings of the Commissioners. Until the election and in the absence of the Chairman and Vice-Chairman, the majority of the Commissioners present shall elect one of their number to act as Chairman for the occasion. Five Commissioners shall constitute a quorum for the transaction of all business not required to be the subject of a special resolution. The business to be transacted by special resolution shall include all business for which a special resolution is required under this Scheme, or under any by-law or regulation of the Commissioners to that effect in force for the time being; nine Commissioners shall constitute a quorum for such business. All matters and questions shall be determined by the majority of the Commissioners present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. The Commissioners may, from time to time, appoint such honorary officers as they shall think fit, and may define the duties of such honorary officers.

Committee.

9. The Commissioners may, from time to time, appoint a Committee or Committees, each consisting of two or more of their number, to carry into execution any orders, rules, or directions of the Commissioners with respect to the purpose of this Scheme, or to manage such of their business as the Commissioners may deem it expedient to depute to a Committee. The Commissioners may fix the quorum, define the duties, and regulate the proceedings of every Committee as they shall think fit.

Meetings.

10. The Commissioners shall hold their first meeting within three calendar months after the date of this Scheme, and they shall meet once at the least in every three months thereafter, on each day as they shall fix; they shall also meet at such other times as they may from time to time appoint, or as their business shall require. Notice of every meeting shall be sent to each Commissioner six clear days, or such other time as the Commissioners may direct, before each meeting. The Chairman or the Vice-Chairman, or any five other Commissioners, or the Secretary, may, at any time, summon a special meeting of the Commissioners, sending notice to each Commissioner six clear days, or such other time as the Commissioners may direct, before the meeting, specifying in the notice the business for the transaction of which the meeting is summoned; and no other business shall be transacted at a special meeting. Every meeting may be adjourned for the completion of its business to such time and place as the Commissioners present may appoint.

Minutes, Books, and Documents.

11. Every Commissioner shall, at or before the first meeting which he attends, sign a declaration, in a book

to be kept for that purpose, of his acceptance of the office of Commissioner, and until he has signed such declaration he shall not be entitled to act as a Commissioner. Minute books shall be kept by the Commissioners, in which minutes of all their proceedings shall be duly entered. All deeds and other writings, sealed with the common seal and signed at any meeting by the chairman of the meeting and two other Commissioners, and by the secretary or the officer appointed by the Commissioners to act in his place, as hereinafter provided, shall be held to be validly executed on behalf of the Commissioners.

By-laws and Regulations.

12. The Commissioners may, from time to time, make such by-laws and regulations as they shall consider convenient and needful for giving effect to the provisions of this Scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that the same may be repealed, altered, and amended by the Commissioners from time to time as they shall deem expedient.

Accounts and Audit.

13. The Commissioners shall cause to be kept regular accounts of all their receipts and disbursements, including separate accounts for each of the Ulster Royal School endowments, in such manner and form as may be from time to time prescribed or approved by the Local Government Board, and the accounts for each year, ending the thirty-first day of December or such other day as the Board may appoint, or an abstract thereof, in such form as the Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the Board. The Local Government Board may fix, and the Commissioners shall pay out of the income of the respective Endowment vested in them, such reasonable sum or sums as shall be necessary to defray the cost of audit. The Commissioners shall keep an account with such bank as they may from time to time select, and all moneys receivable or payable by them (except petty cash) shall be lodged to or drawn from such account, and every cheque shall be signed by two Commissioners, at the least, thereto authorized, and by the Secretary, or the officer appointed by the Commissioners to act in his place, as hereinafter provided.

Annual Report.

14. The Commissioners shall in every year present to the Lord Lieutenant a report of their proceedings during the preceding year, with the report of the Auditor for the preceding year, and such other information regarding the Endowments, and the Schools receiving benefit therefrom, as the Lord Lieutenant may from time to time direct, or as the Commissioners may think fit; and the Lord Lieutenant shall cause such report to be laid, with all convenient speed, before both Houses of Parliament.

Inspection.

15. An Inspector to be appointed by the Lord Lieutenant in pursuance of the Act, section 17, shall inspect each School situated in any of the Endowments administered under this Scheme, once at the least in each year, and so much oftener as the Lord Lieutenant may direct, and shall present his reports thereon to the Lord Lieutenant; the remuneration of every such Inspector, as fixed by the Lord Lieutenant, shall be defrayed by the Commissioners out of the Endowments administered by them in such proportions as the Commissioners shall think just.

Additional Endowments.

16. The Commissioners may acquire, take, receive, and hold grants, conveyances, donations, devises, bequests, subscriptions, and other or additional endowments, real or personal, and may apply the same for all or any of the purposes of this Scheme, or for any object or objects connected with all or any of the purposes of this Scheme, or for any purpose which shall not be inconsistent with, or calculated to impede, the efficient working of the provisions hereof. All property and moneys so received or applied shall be subject to any special trusts lawfully offering the same, and shall be included in the accounts to be kept by the Commissioners.

Management of Estates.

17. The Commissioners shall, from time to time, make such arrangements as they may deem expedient for the custody of their common seal, and of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, for the appointment as hereinafter provided of Local Estates Committees to assist in such management, for keeping proper maps and records of holdings and tenancies, and for the employment of such land agent or agents and of such solicitor or solicitors, and of such bailiffs and other officers as they shall find it expedient to employ, to assist in such management. Every agent employed by the Commissioners shall be required to give sufficient security to them for the faithful discharge of his duties, and to furnish his account once at the least in each year, and in such account to include all rents and other income due or payable up to the date of the next preceding the date of furnishing the account.

Letting Powers.

18. The Commissioners may make agricultural or occupation leases and lettings of land from year to year or for any term not exceeding forty years, and leases of buildings from year to year or for any term not exceeding ninety-nine years, and leases for building or improvement for any term not exceeding two hundred years, so that every such lease and letting shall take effect in possession upon or within three years after the making thereof, and shall be made at the highest rent that may fairly and reasonably be obtained, and without fine. They may, in such manner and upon such terms as they shall deem most expedient, sell, exchange, let upon fine in fee-farm or for any term, mortgage, or otherwise dispose of all or any parts of the lands and buildings (not being required for the purposes of any School under the provisions of this Scheme) which may be vested in them, so that every such dealing shall be carried out to the best advantage, and that all money obtained thereon, other than current rents, shall be treated as part of the capital of the endowment from which it shall be obtained, and shall be invested or otherwise disposed of in accordance with the provisions of this Scheme.

Power of Investment.

19. The Commissioners may from time to time sell any of the real or personal property vested in them, others than lands or buildings required for the purposes of any School under the provisions of this Scheme, and may invest the moneys arising therefrom, or other the capital of the endowments, and may also invest and accumulate any surplus or residue of income, or any other funds received by them, in any of the public stocks, funds, or securities of the United Kingdom, or of any colony or dependency thereof, or in the stock of the Bank of England, or of the Bank of Ireland, or upon freehold or leasehold securities in the United

Kingdom; or upon the bonds, debentures, debenture stock, or mortgages of any municipal, commercial, or other joint stock company or corporation carrying on business or constituted for any purpose in the United Kingdom, or in any colony or dependency thereof, or in any securities for the time being authorised by law, or by the practice of the High Court of Justice, for the investment of trust funds; the Commissioners may from time to time vary such investments, and they may from time to time resort to the accumulations of income from any previous year, and may apply the same for the purposes of this Scheme; they may retain in their existing state of investment, so long as they shall think fit, all or any securities hereby vested in them or which may hereafter be transferred to them.

PART II.—The Ulster Royal Schools.—Ulster Local Boards of Education.

50. From and after the date of this Scheme, a Protestant Board of Education and a Roman Catholic Board of Education shall be constituted as hereinafter provided, for the administration of Educational Endowments in each of the following Districts:—

The Armagh District, consisting of the County of Armagh.

The Tyrone District, consisting of the County of Tyrone, with so much of the County of Londonderry as is included in the Diocese of Armagh.

The Fermanagh District, consisting of the County of Fermanagh with the County of Monaghan, being part of the Diocese of Clogher.

The Cavan District, consisting of the County of Cavan.

The Donegal District, consisting of the County of Donegal.

The several Local Boards, which shall exercise their functions in the foregoing Districts, respectively, shall be designated as follows:—

The Armagh Protestant Board of Education.

The Armagh Roman Catholic Board of Education.

The Tyrone Protestant Board of Education.

The Tyrone Roman Catholic Board of Education.

The Fermanagh Protestant Board of Education.

The Fermanagh Roman Catholic Board of Education.

The Cavan Protestant Board of Education.

The Cavan Roman Catholic Board of Education.

The Donegal Protestant Board of Education.

The Donegal Roman Catholic Board of Education.

Each of the said several Local Boards shall constitute a Body Corporate, with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme.

Functions of Local Boards.

51. The functions of the Local Boards shall be as follows:—

(1.) To establish or aid in establishing, and to maintain or aid in maintaining, such School or Schools in their several Districts as they shall think expedient.

(2.) To administer and apply such share of the endowments included in this or any other Scheme framed under the Act as shall be vested in or received by them.

(3.) To exercise such supervision and control over the Schools sharing in the endowments administered by them as may be necessary to secure compliance with the provisions of this or of any other Scheme framed under the Act, and applicable to such Schools.

(4.) To direct Commissioners and to do all other acts necessary to give effect to the provisions of this Scheme.

(5.) To take, acquire, receive, hold, and administer grants, conveyances, and other or additional donations, subscriptions, devises, bequests, and endowments, real or personal, for the purposes of this Scheme, or for any objects or purposes not inconsistent with or calculated to impede the efficient working of the provisions hereof. All property and moneys so held or received shall be administered by the several Local Boards in accordance with any special trusts lawfully affecting the same, and shall be included in the accounts to be kept by the respective Local Boards under this Scheme. Each Local Board shall have and exercise, with respect to all endowments held or received by them, the same and the like powers of management, letting, sale, exchange, and investment respectively, and the like powers for the purposes of this Scheme relating to such endowments, which the Commissioners might have and exercise with respect to such endowments if vested in or received by them under this Scheme.

(6.) To promote Intermediate Education in their several districts by such means, consistent with the provisions of this scheme, as shall from time to time appear expedient.

Composition of Local Boards.

52. Each Local Board shall consist, in the first instance, of nine members to be appointed as hereinafter provided. The members of each Local Board so appointed, may from time to time, by resolution passed at a meeting specially convened for the purpose, and supported by not less than seven such members, co-opt so many additional members, not at any time exceeding six in all, as they shall think fit. Each additional member so co-opted shall hold office, in the case of the Protestant Boards, until the next election of the Local Board; and in the case of the Roman Catholic Boards, for the same period as if he had been appointed to be a member of the Board under this Scheme.

The Protestant Local Boards.—Armagh Protestant Board.

53. Five members of the Armagh Protestant Board of Education shall represent the Diocesan Council of Armagh; three shall represent the General Assembly; and one shall represent the Methodist Conference.

The Armagh Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Armagh.

1. The Most Rev. Robert Knox, D.D., Archbishop of Armagh, or other the Protestant Archbishop of Armagh for the time being.
2. The Very Rev. George A. Gladwick, D.D., Dean of Armagh.
3. The Rev. C. King Irwin, D.D., Treasurer of Armagh, Derrycoose Rectory, Keady.
4. Acheson St. George, Esq., Wood Park, Tyrone, Armagh.
5. James Henry Stronge, Esq., Hockley Lodge, Armagh.

Representing the General Assembly.

6. The Rev. John Elliott, Armagh.

7. The Rev. Silas E. Wilson, Armagh.
8. William McCrum, Esq., Milford, Armagh.

Representing the Methodist Conference.

9. William Paul, Esq., Portadown.

Tyrone Protestant Board.

24. Two members of the Tyrone Protestant Board of Education shall represent the Diocesan Council of Armagh; one shall represent the Diocesan Council of Derry and Raphoe; five shall represent the General Assembly; and one shall represent the Methodist Conference.

The Tyrone Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Armagh.

1. The Ven. William E. Meade, D.D., Archdeacon of Armagh.
2. Colonel James O. J. Lowry, D.L., Rockliffe, Dungannon.

Representing the Diocesan Council of Derry and Raphoe.

3. The Very Rev. James Byrne, M.A., Dean of Clefnot, Omagh.

Representing the General Assembly.

4. The Rev. Hamilton B. Wilson, D.D., Cookstown.
5. James Brown, Esq., Donoughmore, Tyrone.
6. James Dickson, Esq., Dungannon.
7. William Wilson, Esq., Coal Island, Tyrone.
8. Thomas H. Aiken, Esq., Dungannon.

Representing the Methodist Conference.

9. William J. Venables, Esq., Cookstown.

Fermanagh Protestant Board.

25. Five members of the Fermanagh Protestant Board of Education shall represent the Diocesan Council of Clogher; three shall represent the General Assembly; and one shall represent the Methodist Conference.

The Fermanagh Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Clogher.

1. The Right Rev. Charles M. Stack, D.D., Bishop of Clogher, or other the Protestant Bishop of Clogher for the time being.
2. The Rev. Charles L. Overden, D.D., Incumbent of Enniskillen.
3. The Rev. Arthur N. Haile-Foster, Ballynure, Clones.
4. William R. Conroy, Esq., Enniskillen.
5. Edward Smyth, Esq., Enniskillen.

Representing the General Assembly.

6. The Rev. S. Cuthbert Mitchell, Enniskillen.
7. The Rev. J. A. Allison, Monaghan.
8. William Galt, Esq., Enniskillen.

Representing the Methodist Conference.

9. William Carson, Esq., Enniskillen.

Cavan Protestant Board.

26. Three members of the Cavan Protestant Board of Education shall represent the Diocesan Council of Kilmore; two shall represent the Select Vestry of the Parish of Cavan; three shall represent the General Assembly; and one, representing the other Protestant Denominations of the District, shall be elected by the other members of the Board as hereinafter provided.

The Cavan Protestant Board of Education shall consist in the first instance of such and so many of the

following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Kilmore.

1. The Right Rev. Samuel Shane, D.D., Bishop of Kilmore, or other the Protestant Bishop of Kilmore for the time being.
2. The Rev. William H. Hutchinson, D.D., Bellisborough.
3. Samuel W. Sanderson, Esq., D.L., Clover Hill House, Belterbet.

Representing the Select Vestry of Cavan.

4. The Rev. W. C. McCausland, M.A., Incumbent of Cavan.
5. Richard Allen, Esq., Cavan.

Representing the General Assembly.

6. The Rev. Samuel Patrick, Derrylane, Killesnohra.
7. The Rev. J. S. Goss, Clones.
8. Robert Walker, Esq., Ulster Bank, Belterbet.

Representing other Protestant Denominations.

9. James Hartley, Esq., Cavan.

Donegal Protestant Board.

27. Three members of the Donegal Protestant Board of Education shall represent the Diocesan Council of Derry and Raphoe; five shall represent the General Assembly; and one, representing the other Protestant Denominations of the District, shall be elected by the other members of the Board as hereinafter provided.

The Donegal Protestant Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

Representing the Diocesan Council of Derry and Raphoe.

1. The Rev. Henry F. Macdonald, M.A., Tullymaghish, Ranelagh.
2. The Rev. John Molloy, D.D., Toughboyne.
3. William Henry Perier, Esq., Letterkenney.

Representing the General Assembly.

4. The Rev. John A. Bain, M.A., Raphoe.
5. The Rev. Alexander G. Lecky, M.A., Drumlog, Strabane.
6. The Rev. R. McMorris, M.A., Manor Canningham.
7. Thomas Hamilton, Esq., Raphoe.
8. Robert Carson Wilson, Esq., Raphoe.

Representing other Protestant Denominations.

9. The Rev. R. A. McFarlane, D.D., Stenorlar.

Casual vacancies.

28. If at the date of this Scheme any of the members of the several Protestant Local Boards hereinbefore named, other than the Archbishop and Bishops aforesaid, shall be unable or unwilling to act, and whenever thereafter any such member of any of the said several Boards shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in the district, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the Board. As soon as conveniently may be after the occurrence of such vacancy, the electing body amongst whose representatives the vacancy shall have occurred, or the remaining members of the Local Board to which such member belonged, as the case may be, shall elect a qualified person to fill the vacancy; such member so

elected shall hold office so long only as the member in whose place he shall have been elected might have held the same.

Election of Members.

39. The members of the several Protestant Local Boards hereinafter named other than the Archbishop and Bishops aforesaid, shall hold office until the thirty-first day of December first happening more than twelve months after the date of this Scheme, or until the election of their respective successors, whichever shall last happen, or until they shall vacate their office as hereinafter provided. Before the said thirty-first day of December, and once in every year thereafter, each of the several bodies entitled to elect representatives upon the said several Boards may elect such representatives. The elections shall be held, once in each year, at such times as the several bodies entitled to elect representatives shall respectively prescribe from time to time. The members so elected shall hold office until the election of their respective successors. Every outgoing member, if otherwise qualified, shall be eligible for re-election.

At the first meeting in each calendar year, commencing more than twelve months after the date of this Scheme, the Protestant Local Boards of Cavan and Raphoe shall each elect one suitable person resident in the District and willing to act, who shall be a member of a Protestant Denomination not otherwise represented upon the Board, and each person so elected shall hold office as a member of the Board until the election of his successor, or until he shall vacate his office as hereinafter provided. Every such outgoing member, if otherwise qualified, shall be eligible for re-election, provided he shall have attended at the least one-third of the meetings of the Board held during his term of office, but not otherwise.

Appointment of Deputies.

30. The Archbishop and each of the Bishops aforesaid, for the time being, if unable or unwilling to act as a member of the Local Board to which he belongs, may, from time to time, by writing under his hand, nominate a qualified person to act in his place for such period as may be in such writing specified.

The Roman Catholic Local Boards.

Constitution of Roman Catholic Boards.

31. Each Roman Catholic Board of education shall consist of the Roman Catholic Archbishop or Bishop hereinafter mentioned for the time being, with eight other members, of whom four shall be ecclesiastics and four shall be laymen.

Armagh Roman Catholic Board.

32. The Armagh Roman Catholic Board of education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Michael Logue, D.D., Archbishop of Armagh, or other the Roman Catholic Archbishop of Armagh for the time being.
2. The Very Rev. Patrick Canon Kelly, F.R., Keady.
3. The Rev. Lawrence Byrne, F.R., Portadown.
4. The Rev. Patrick McGeeny, F.R., Crossmaglen.
5. The Rev. Hugh McOscar, Adm., Armagh.
6. Surgeon-Major Philip Lavery, Armagh.
7. William Gallagher, Esq., Armagh.
8. Edward Magennis, Esq., M.B., Lurgan.
9. William O'Shaughnessy, Esq., Hibernian Bank, Armagh.

Tyrone Roman Catholic Board.

33. The Tyrone Roman Catholic Board of education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. John K. O'Doherty, D.D., Bishop of Derry, or other the Roman Catholic Bishop of Derry for the time being.

Representing the portion of the District in the Diocese of Armagh and County of Tyrone.

2. The Very Rev. Peter James Byrne, F.R., V.G., Dungannon, Dean of Armagh.
3. The Very Rev. Thomas Canon Rice, F.R., F.R., Cookstown.
4. William James Reynolds, Esq., M.P., Dungannon.
5. Henry Tokell, Esq., Moy.

Representing the portion of the District in the Diocese of Armagh and County of Londonderry.

6. The Very Rev. Patrick Canon Denny, F.R., Magherafelt.

Representing the portion of the District in the Diocese of Derry.

7. The Very Rev. Bernard McNamee, F.R., F.R., Omagh.
8. James Eidan, Esq., Crown Solicitor, Omagh.

Representing the portion of the District in the Diocese of Clogher.

9. Michael MacMackin, Esq., Fintona.

Fermanagh Roman Catholic Board.

34. The Fermanagh Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. James Denny, D.D., Bishop of Clogher, or other the Roman Catholic Bishop of Clogher for the time being.

Representing the portion of the District in the County of Fermanagh.

2. The Very Rev. Thomas Smollen, F.R., V.G., Enniskillen, Archdeacon of Clogher.
3. The Rev. James Meegan, F.R., Tempo, Enniskillen.
4. John Francis Wray, Esq., M.B., Enniskillen.
5. Anthony Cassidy, Esq., The Gran, Enniskillen.

Representing the portion of the District in the County of Monaghan.

6. The Very Rev. Peter Canon McGilroy, D.D., President, St. Martin's Seminary, Monaghan.
7. The Very Rev. Lawrence J. Canon O'Neill, F.R., Jones.
8. Denis Gordon Riche, Esq., Monaghan.
9. Patrick Rafferty, Esq., Monaghan.

Cavan Roman Catholic Board.

35. The Cavan Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Edward McGinnis, Bishop of Kilmore, or other the Roman Catholic Bishop of Kilmore for the time being.
2. The Very Rev. John O'Reilly, F.R., V.G., Virginia, Co. Cavan.

3. The Very Rev. John O'Connor, P.P., V.F.,
Bullisborough.
4. The Very Rev. Michael Fitzpatrick, P.P.,
Levey, Stradone.
5. The Very Rev. Charles O'Reilly, P.P., V.F.,
Lough, Stradone.
6. Philip Smith, Esq., Kevitt Castle, Cross-
doney.
7. Thomas Markey, Esq., Cootshill.
8. Patrick Kane, Esq., Ballyconnell.
9. John Guzman, Esq., Cavan.

Donegal Roman Catholic Board.

36. The Donegal Roman Catholic Board of Education shall consist in the first instance of such and so many of the following persons as at the date of this Scheme shall be able and willing to act:—

1. The Most Rev. Patrick O'Donnell, Bishop of Raphoe, or other the Roman Catholic Bishop of Raphoe for the time being.
2. The Very Rev. Joseph O. Doyle, P.P., V.F., Raphoe.
3. The Rev. P. J. Brennan, President, Diocesan Seminary, Letterkenney.
4. The Very Rev. Hugh McFadden, P.P., V.F., Donegal.
5. The Very Rev. John McManamin, P.P., V.F., Stranorlar.
6. Joseph McLoone, Esq., Donegal.
7. Hugh McDevitt, Esq., Glenties, Co. Donegal.
8. Manus McFadden, Esq., Glenswilly, Letterkenney.
9. Patrick McManamin, Esq., Stranorlar.

Appointment of Ecclesiastical Members.

37. If at the date of this scheme any of the ecclesiastical members of the several Roman Catholic Boards hereinbefore named, other than the archbishop and bishops aforesaid, shall be unable or unwilling to act, and whenever thereafter any such ecclesiastical member of any of the said several boards shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to hold an ecclesiastical appointment in the district or portion of a district represented by him, or shall fail to attend at the least one-third of the meetings of the board held in any one year, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the board. As soon as conveniently may be after the occurrence of each vacancy, the remaining ecclesiastical members of the Board shall co-opt a qualified person holding an ecclesiastical appointment in such district or portion of a district to fill the vacancy.

Appointment of Lay Members.

38. If at the date of this scheme any of the lay members of the several Roman Catholic Boards hereinbefore named shall be unable or unwilling to act, and whenever thereafter any lay member shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to reside in the district or portion of a district represented by him, or shall fail to attend at the least one-third of the meetings of the Board held in any one year, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the Board; and, as soon as conveniently may be after the occurrence of each vacancy, the remaining lay members of the Board shall co-opt a qualified person resident in such district or portion of a district to fill the vacancy.

Appointment of Deputies.

39. The archbishop and each of the bishops aforesaid, for the time being, if unable or unwilling to act

as a member of the Local Board to which he belongs, may, from time to time, by writing under his hand, nominate a qualified person to act in his place, for such period as may be in such writing specified.

General Provisions as to Local Boards.

Chairman, Quorum, and Honorary Officers.

40. Each Local Board shall appoint a chairman and a vice-chairman at their first meeting after the date of this scheme, and at their first meeting in each calendar year thereafter. Each chairman and vice-chairman so elected shall hold office until the election of his successor, and shall be eligible for re-election. The chairman shall preside at every meeting of the Board at which he is present; in the absence of the chairman, the vice-chairman shall preside; and in the absence of both, the members present shall elect one of their number to act as chairman for the occasion. Three members shall constitute a quorum of each Board, and all matters and questions shall be determined by the majority of the members present; in every case of equality of votes the chairman of the meeting shall have a second or casting vote. Each Board may from time to time appoint an honorary secretary and such other honorary officers as they shall think fit, and may define the duties of such honorary officers.

Meetings.

41. Each Local Board shall hold their first meeting within one calendar month after the date of this scheme, and shall meet once at least in every three months thereafter, at a time and place to be appointed by the Board, and may also meet at such other times and places as may from time to time be appointed by the Board. Notice of every meeting shall be given to each member three clear days, or such other time as the Board may direct, before the meeting. The chairman, vice-chairman, or honorary secretary, or any five other members of any Local Board, may at any time summon a special meeting of the Board, giving notice to each member six clear days, or such other time as the Board may direct, before the meeting, and specifying in the notice the object thereof. Every meeting may adjourn for the completion of its business to such time and place as the members present may appoint.

Minutes, Books, and Documents.

42. Every member of a Local Board shall, at or before the first meeting which he attends, sign a declaration, in a book to be kept by each Board for the purpose, of his acceptance of the office of member, and until he has signed such declaration he shall not be entitled to act as a member. Minute books shall be kept by each Local Board in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal of any Local Board, and signed at any meeting by the chairman of the meeting and two other members, shall be held to be validly executed on the part of the Board.

By-Laws and Regulations.

43. Each Local Board may from time to time make such by-laws and regulations as they shall consider convenient and useful for giving effect to the purposes of this scheme, provided that no such by-law or regulation shall be inconsistent with the provisions of this scheme, and that the same may be repealed, altered, and amended by the Board as they shall deem expedient.

Accounts and Audit.

44. Each Local Board shall cause to be kept regular accounts of all their receipts and disbursements, in such manner and form as may, from time to time,

be prescribed or approved by the Local Government Board; and the accounts for each year, ending the thirty-first day of December or such other day as the Local Government Board may direct, or an abstract thereof in such form as the Local Government Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Local Government Board may appoint, to an auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the Local Government Board. The Local Government Board may fix, and each Local Board shall pay, such reasonable sum or sums as shall be necessary to pay the cost of audit. Each Local Board shall keep an account with each Bank as they shall from time to time select, and all moneys receivable or payable by a Local Board (except petty cash), shall be lodged to or drawn from such account, and every cheque shall be signed by two members at the least, thereto authorised.

Committees.

43. Each Local Board may from time to time appoint a Committee or Committees, each consisting of two or more of their number, to carry into execution any orders, rules, or directions of the Board with respect to the purposes of this scheme, or to manage such of their business as the Board may deem it expedient to depute to a committee. Provided always that no appointment of any such committee shall be made or continued to which any three members of the Board shall object by writing under their hands. Any two or more Local Boards may in like manner appoint a joint committee or joint committees, each consisting of equal numbers of their members, for the transaction of any business in which the Boards may be jointly interested. The Board or Boards appointing such committee may fix the quorum, define the duties, and regulate the proceedings of the committee, as they may think fit.

Estates Committees.

44. The two Local Boards of each district shall, whenever required by the Commissioners, appoint equal numbers of their members to form an estates committee to advise and assist the Commissioners in the collection and recovery of the rents and other income of the endowments of the district, and in the management letting sale or disposal of the lands buildings and premises included in the said endowments, and to make such reports and recommendations to the Commissioners, and generally to do all such acts concerning the said endowments, as may from time to time appear necessary or expedient for the purpose of administering the said endowments to the best advantage, and as the Commissioners may require.

School Committees.

45. Each Local Board may from time to time establish or appoint such school committee or school committees as they shall think fit, to aid in the supervision and management of any school or schools qualified to share in the endowments administered by the Local Board. The Local Board may fix the constitution and define the functions of each school committee which they may so establish or appoint. The Governing Body for the time being of any school or schools qualified to share in the endowments administered by the Local Board, may be recognised as a school committee for the purposes of this scheme. Each school committee established, appointed, or recognised under this scheme shall consist of not less than three persons, each of whom shall be a member of the Local Board of the district, or of the governing body or teaching staff of the school, or a manager of the school. Every school for which a school committee shall be established, appointed or recognised

as aforesaid shall be deemed to be a school managed by a Local Board for the purposes of this scheme, and shall from time to time be visited by the Local Board for the purpose of ascertaining that it is conducted in accordance with the provisions of this scheme.

Annual Reports.

46. Each Local Board, in every year, at such time as the Commissioners may prescribe, shall present to the Commissioners a report of their proceedings under this Scheme during the preceding year, with a copy of their last audited account, and such other information as they may think fit, or as the Commissioners may require, concerning their proceedings under this Scheme.

Supervision of Schools and Appointment of Masters and other Officers.

47. Subject to the provisions of this Scheme, each Local Board, directly or through a school committee shall have and exercise general supervision and control over every school sharing in the endowments administered by the Board, shall determine the various branches of education to be taught, shall regulate the fees to be charged in each school, shall fix the terms and vacations, and shall make such rules and regulations for the management of each school, as to the Local Board or school committee, as the case may be, shall seem expedient. Subject as aforesaid, each Local Board, directly, or through a school committee, shall from time to time fix the number, salaries, and emoluments of the masters and other members of the teaching and domestic staff to be employed, and shall define their several and respective duties. The Local Board, directly or through a school committee, shall appoint the head master of each school, and shall provide for the appointment, through the head master, or after conference with him, of such teaching and domestic staff and other officers and servants as may in each case be required.

No person appointed after the date of this Scheme to any paid office or employment under a Local Board, or becoming entitled to any salary or emolument out of the endowments administered by the Local Board, shall be capable of becoming, or shall continue to be a member of the Board.

Removal of Masters and other Officers.

48. Subject to the provisions hereinafter contained as to the vested interests of individuals holding office at the date of the passing of the Act, every person in the employment of a Local Board or of a school committee may be removed by the Local Board or by the school committee, as the case may be, for such cause as they shall deem adequate, or upon reasonable notice, or upon payment of a reasonable sum, not exceeding six months salary, in lieu of notice: provided that no head master shall be removed except upon a resolution of the Local Board or of the school committee, as the case may be, passed at a special meeting summoned on due notice, at which not less than one-half of the members for the time being shall be present, and confirmed at a subsequent meeting held at an interval of not less than one week nor more than five weeks after the first meeting.

School Fees, and Boarding Arrangements.

49. Each Local Board may make such arrangements with the masters of each school respecting the fees charged in the school as they may think desirable; they may also allocate or permit the use of such portions of the school premises as they shall think fit, for the residence of the head master or assistant masters and may provide for the reception and boarding of resident pupils in the several schools,

or in Boarding Houses connected therewith and under the control of the Head Master or of Assistant Masters, upon such terms and under such conditions as they shall from time to time determine.

Functions of Head Masters.

52. Subject to the supreme authority of the Local Board and to the other provisions of this Scheme, the Head Master of each School shall have control of the Assistant Masters and other persons employed in the School, of the methods of teaching, of the arrangement of classes and school hours, and of the internal organization, management, and discipline of the School. The Head Master of each School may remove any pupil from the School, and may suspend or remove any Assistant Master employed in the School, for such cause as he shall think sufficient, subject in each case to an appeal to the Local Board or to the School Committee, as the case may be.

Powers of Protestant Local Boards to allocate Endowments.

53. Each Protestant Local Board, with the sanction of the Commissioners, may allocate the Endowments administered by the Board among the different Protestant Denominations of the District, and may, with the like sanction, allocate a share or shares of such Endowments to any School or Schools placed under the control of a Governing Body consisting of or including any three or more members of the Board, or under the control of a School Committee, representing any one or more of such denominations, upon such terms, and subject to such conditions, and in such manner, as, having regard to the relative numbers of the members of the several Protestant denominations entitled to benefit from the Endowments of the district, shall in each case seem just.

Any two or more Protestant Local Boards, with the like sanction, may join in exercising the powers conferred by this clause, as if for the purpose of this clause the said Boards had been one Local Board, and as if their several districts and the Endowments administered by the said Boards had been united and amalgamated.

Provided that every exercise of the powers conferred by this clause shall be sanctioned by a resolution passed at a meeting of the Local Board or Boards concerned, specially convened for the purpose, and attended by not less than two-thirds of the full number of members of each Local Board concerned; provided also that no such resolution shall be passed if any three members of any Local Board concerned shall object to the same by writing under their hands; provided also that all Endowments allocated under this clause shall be administered in accordance with the provisions of this Scheme.

Special Provisions as to Armagh and Tyrone Protestant Boards.

54. The Armagh and Tyrone Protestant Local Boards, with the sanction of the Commissioners, may unite and amalgamate the Armagh and Tyrone districts, and the Endowments administered by the said Boards, in accordance with the following provisions, and upon such further terms, and subject to such further conditions, and in such manner, as the said Boards, with the sanction aforesaid, may agree upon:

(a.) All moneys payable by the Commissioners to the said Boards respectively from the Ulster Royal School Endowments, other than the School premises, shall be divided in equal shares between two denominational Committees constituted as hereinafter provided.

(b.) One Denominational Committee shall be constituted of the several members of the said

Boards for the time being representing the Diocesan Councils of Armagh and of Derry and Raphoe respectively, with two additional members to be co-opted by them from time to time as hereinafter prescribed. The other Denominational Committee shall be constituted of the several members of the said Boards for the time being representing the General Assembly and the Methodist Conference respectively.

(c.) All interest in the Armagh Royal School premises, or in the value or produce thereof, or in any moneys derived therefrom, which would otherwise belong to or be receivable by the Armagh Protestant Local Board under the provisions of this Scheme, shall belong to and shall be received and administered by the Denominational Committee first above mentioned. All interest in the Dungannon Royal School premises, or in the value or produce thereof, or in any moneys derived therefrom, which would otherwise belong to or be receivable by the Tyrone Protestant Local Board under the provisions of this Scheme, shall belong to and shall be received and administered by the Denominational Committee secondly above mentioned; subject, however, to the payment to the Denominational Committee first above mentioned, by way of annual occupation rent or of purchase money, as the case may require, of any proportion, to be ascertained by the Commissioners, of the value of the Dungannon Royal School premises which may be proved to be attributable to the expenditure of private moneys thereon by any benefactor or benefactors belonging to the said Church.

(d.) Each of the said Denominational Committees, when constituted, shall be deemed to be, for all the purposes of this Scheme, a Protestant Local Board for the Armagh and Tyrone Districts conjointly, and may exercise all the powers of a Local Board throughout the said Districts, and all Endowments received by either of the said Committees shall be administered in accordance with the provisions of this Scheme.

The powers conferred by this clause may be exercised at any time between the date of this Scheme and the expiration of six months after this Scheme shall have come into operation with respect to the Royal School Endowments of both the Armagh and Tyrone Districts, but not afterwards; provided that every exercise of the said powers shall be sanctioned by a resolution passed at a joint meeting of both the above-mentioned Boards, specially convened for the purpose, attended by not less than two-thirds of the full number of each of the said Boards, and that every such resolution may, at any time, be rescinded, or may from time to time be varied, with the sanction of the Commissioners, by a like resolution; provided also that no such resolution shall be passed, rescinded, or varied, unless with the concurrence of a majority of the full number of members of each of the said Boards, for the time being.

The Commissioners may make all rules and regulations, and may do and enact all acts, necessary for carrying out the provisions of this clause, if and whenever the powers aforesaid shall be exercised.

The Head Master of any School maintained by the Armagh Protestant Local Board in the Armagh Royal School premises, or of such School as may be substituted therefor by the said Board under this Scheme, shall at all times be a Member of "The Church of Ireland."

The Head Master of any School maintained by the Tyrone Protestant Local Board in the Dungannon Royal School premises, or of such School as may be substituted therefor by the said Board under this Scheme, shall at all times be a Member of the Presbyterian Church.

Distribution and Application of Ulster Royal School Endowments.

55. Subject to the other provisions of this Scheme, and after providing for all proper and necessary outgoings, charges, and liabilities, including the rents in the Third Schedule mentioned, and any retiring annuities payable under this Scheme, out of the several endowments, the income received by the Commissioners from each of the Ulster Royal School Endowments, other than the School premises, from and after the date at which this Scheme shall come into operation with respect to each of the said Endowments respectively, shall be paid by the Commissioners, in equal shares, to the two Local Boards of the District.

Application of Endowments for first Three Years.

56. During the period from the date at which this Scheme shall come into operation with respect to each of the Ulster Royal Schools respectively, until the end of the third complete calendar year next following, which period is hereinafter called the first three years, all the moneys paid by the Commissioners to the several Local Boards shall be applied by the said Local Boards respectively, for the following purposes, or for such and so many of them as to the said Boards respectively shall seem expedient:—

(a.) To add, maintain, or improve any existing Intermediate School or Schools situated in the District, and managed in accordance with the provisions of this Scheme:

(b.) To establish, or aid in establishing, in the District, any Intermediate School or Schools to be managed as aforesaid:

(c.) To invest and accumulate a capital fund, of which the principal and interest may from time to time be applied by the Local Board, as they shall deem expedient, in aiding, maintaining, improving or establishing, any Intermediate School or Schools in the District, to be managed as aforesaid:

(d.) To make provision, in such other manner as the Local Board shall deem expedient, for promoting Intermediate Education in the District so as to enable the Local Board after the first three years to avail themselves of the provisions of this Scheme.

Provided that if the Local Board of any District shall think it more advantageous to apply the moneys paid to them under this clause, in aid of any Intermediate School or Schools in another District, managed in accordance with provisions of this Scheme, they may, with the sanction of the Commissioners, so apply the same.

Application of Endowments after first Three Years.

57. Subject to the other provisions of this Scheme, from and after the expiration of the first three years, all the moneys paid by the Commissioners to the several Local Boards shall be applied by the said Boards respectively for the benefit of Intermediate Schools fulfilling the conditions prescribed in the First Schedule hereto, hereinafter referred to as qualified Schools, or of pupils receiving Intermediate Education in qualified Schools, in the manner, and subject to the conditions, hereinafter prescribed.

Subject to the other provisions of this Scheme, and to any special trusts or conditions upon which any part thereof may be received, all the moneys received by the several Local Boards under or for the purposes of this Scheme, from and after the expiration of the first three years, shall be expended and applied by the said Local Boards respectively for or towards the following purposes, or for or towards such and so many of them as to the said Boards respectively shall seem expedient:—

(a.) To maintain the buildings, furniture, appliances, and premises of the several qualified

Schools managed by them, in good order and condition, and to make such additions thereto, and such improvements therein, as may be required from time to time.

(b.) To pay rents, taxes, cost of insurance, and other charges, necessarily or properly payable out of or for the School premises, other than the rents in the Third Schedule mentioned, and to defray the necessary working expenses of the qualified Schools, and the cost of management. Provided that no money shall be expended by any Local Board out of the Royal School Endowments upon or for any School premises, unless the premises are vested in the Local Board or in the Commissioners, for the purposes of this Scheme, for a perpetual estate of freehold, or for a term of which not less than one hundred years shall be unexpired.

(c.) To provide for the education of the pupils; for this purpose the several Local Boards may, directly or through School Committees, employ and pay such Masters, Teachers, and other educational staff, as they may deem it expedient to engage for the instruction of the pupils in the qualified Schools managed by them.

(d.) To provide prizes for the most deserving pupils of the qualified Schools; such prizes may be awarded in money, or in remission of school fees, or in such other manner as the several Local Boards may deem best calculated to stimulate the industry, reward the diligence, or promote the progress of the pupils, or may be so given as to enable or encourage deserving and capable pupils from Elementary Schools in the District to obtain Intermediate Education free, or at a reduced cost, in the qualified Schools.

(e.) To establish, in connection with any qualified School or Schools, exhibitions or scholarships, which shall in each case have such value, and shall be awarded upon such examination, and shall be held subject to such conditions, as the Local Board establishing the same shall think fit. These exhibitions and scholarships may be given so as to entitle their holders to Intermediate Education free, or at a reduced cost, at any qualified School or Schools, or may be tenable at any University, College, or other place of higher education elsewhere, as the Local Board establishing the same may from time to time determine.

Subject to the other provisions of this Scheme, all the moneys received by each Local Board from the Commissioners under this Scheme shall be expended by them for the purposes of one or more Schools which may from time to time be selected by the Board from the qualified Schools within the District; or if there be no qualified School in the District, shall be expended by them for the purposes of any one or more Schools which may from time to time be selected by the Board receiving the moneys from the qualified Schools in the other Districts. The moneys received as aforesaid may be applied by each Local Board for the purposes of any qualified School or Schools, or for the benefit of the pupils of any qualified School or Schools, in such proportions and in such manner as the Local Board shall think expedient.

Evidence of Qualification of Schools.

58. It shall be the duty of the Commissioners to satisfy themselves that every School sharing in the moneys received by any Local Board, after the first three years, fulfils the prescribed conditions. The Commissioners may accept the certificate of the Inspector appointed by the Lord Lieutenant as sufficient evidence, in the case of any School, or of any pupil or pupils, that the prescribed conditions have been fulfilled, or they may require such further or other evidence as they may think necessary. If any question shall arise, or shall be raised by any Local Board,

as to the fulfilment of the prescribed conditions by any School, or by any pupil or pupils, the same shall be inquired into and determined by the Commissioners, who may charge the expenses of the inquiry against any Local Board or Boards concerned, or may order the same to be paid by the person or persons raising the question, or to be otherwise defrayed, as they shall think just.

The Commissioners shall prescribe the manner and form in which the fulfilment of the prescribed conditions by each School sharing in the Ulster Royal School Endowments shall be established, and they may prescribe the manner and form in which the register of pupils, the time table of studies, the record of attendance of teachers and pupils, and any other evidence required to show the fulfilment of the said conditions, shall be kept in or furnished by each School. The decision of the Commissioners upon every question arising in respect of the qualification of any School, or in respect of any pupil, or of any examination, shall be final.

Free places in Schools sharing Royal School Endowments.

59. Every School sharing in the moneys received by any Local Board from the Ulster Royal School Endowments shall be required, besides fulfilling the other prescribed conditions, to provide, to the satisfaction of the Commissioners and of the Inspector appointed by the Lord Lieutenant, free education for pupils selected by competition in accordance with the following conditions:—

(a) Two free places, at the least, in each School sharing in the moneys received by any Local Board from the Ulster Royal School Endowments, shall be offered in each year by the Local Board for competition by examination among all candidates qualified as hereinafter mentioned.

(b) Each candidate shall, during each of the two years next before the day appointed for the examination, have made not less than one hundred attendances as a pupil at a public Elementary School in the District; shall not on the day of examination exceed the age of fourteen years; shall be of good conduct and character; and shall be in such circumstances as to need, and to be capable of taking full advantage of free Intermediate Education in a qualified School.

(c) The examination for each District shall be held at a time and place, and in a course, to be appointed and publicly announced not less than six months previously by the Local Board, subject to the approval of the Commissioners, and shall be conducted by an Examiner or Examiners appointed by the Local Board, subject to the like approval. All the candidates for the free places offered by each Local Board shall be examined at the same time and place, in the same course, and under the same conditions.

(d) The subjects of examination shall be those of Elementary Education, and not below the standard of the Fifth Class, as defined by the Rules and Regulations of the Commissioners of National Education for the time being, and may include any extra or optional subjects taught in National Schools.

(e) The name and address of every candidate, with a statement of his or her circumstances, and a certificate of attendance signed by the Manager of the Elementary School or Schools attended by him or her, and such further evidence of qualification as the Local Board may reasonably require, shall be furnished to the Local Board not less than one month before the examination. If any question shall arise as to the qualification of any candidate, the same shall be inquired into and determined by the Examiner or Examiners, whose decision and report upon all such questions, and upon the merits of the candidates, shall, subject to the approval of the Commissioners, be final. No free place shall be awarded to any candidate whom

the Examiner or Examiners shall not report to have shown sufficient merit.

(f) Each candidate to whom a free place shall be awarded shall be entitled, subject to removal for misconduct or failure to make satisfactory progress, to receive Intermediate Education as a day pupil at a School sharing in the moneys received from the Royal School Endowments by the Local Board offering the free place, in all the ordinary subjects taught in the School, free of charge, for the two School years next following the examination; or, if admitted as a boarding pupil, shall, subject as aforesaid, be entitled to a reduction at the rate of ten pounds per annum in the fee usually charged in the School for a boarding pupil of the same age.

Aid from Public Sources.

60. The several Local Boards may from time to time make all arrangements necessary to enable them to obtain for any Schools under their management, from the Intermediate Education Board, from the Science and Art Department, or from any other public body, such aid, by way of teachers' salaries, results fees, prizes, provision for technical or special education, and grants or loans for building or other purposes, as may at any time be available for or open to like Schools or the pupils thereof; and they may, notwithstanding anything herein contained, place any or all of their Schools classes or pupils in connection with or under the inspection of any such public body as aforesaid, and they may comply with any rules or regulations for the time being in force respecting Schools classes or pupils receiving such aid. All money and other aid which the several Local Boards may so receive shall, subject to such rules and regulations, be applied by them respectively in conformity with the provisions of this Scheme, and shall be accounted for accordingly.

Religious Instruction.

61. The several Local Boards may, from time to time, make such provision for the religious instruction of the pupils of the Schools under their management as they shall think fit; provided always that such religious instruction shall be given with due regard to the religious denominations to which the pupils shall respectively belong, and that no pupil shall be permitted to receive or to be present at any religious instruction to which his parents or guardians shall object, and that the times for giving religious instruction, and the mode of giving it, shall be so regulated that no pupil declining to receive such instruction shall be thereby in effect excluded, directly or indirectly, from any of the other advantages afforded by the School.

School Buildings and Premises.

62. The buildings of each of the Ulster Royal Schools, and the lands held and occupied therewith as the date of this Scheme, described in the Third Schedule hereto, hereinafter and hereinafter called the School premises, after payment by the Commissioners of the rents in the said Schedule mentioned, shall be regarded as part of the capital of the Royal School Endowments of the Districts in which they are respectively situated, and from and after the date at which this Scheme shall come into operation with respect to each of the said Endowments respectively, the School premises, and the value and produce thereof, and any moneys derived therefrom, shall in each case be applied exclusively for the educational benefit of the District, and, subject to the provisions as to private Endowments hereinafter contained, shall be treated as belonging in equal shares to the two Local Boards of the District. Subject to the provisions hereinafter contained, the income derived from the School premises during the first three years may be applied in the

some manner as the moneys received under Clause 56 of this Scheme, and after the first three years shall be applied in the same manner as the moneys received under Clause 57 of this Scheme, as an addition to the said moneys. Subject as aforesaid, the capital derived from the School premises of each District shall be held and applied as a Building fund, as hereinafter provided.

Armagh School Premises.

63. Immediately after this Scheme shall come into operation with respect to the Armagh Royal School Endowments, the Commissioners shall proceed, on notice to both the Armagh Local Boards, to ascertain and declare the proportion, if any, of the then value of the Armagh School premises which may be proved to be attributable to the expenditure of private moneys on the said premises by any Protestant benefactor or benefactors. When such proportion has been declared, the Commissioners shall offer the said premises to the Armagh Protestant Local Board, to be used for the purposes of a School managed by the Board in accordance with the provisions of this Scheme, at a rent fixed by estimating the fair occupation rent of the whole of the said premises at £300 per annum, but crediting the said Board with the proportion thereof, if any, which has been proved to be attributable to the expenditure of private moneys by any Protestant benefactor or benefactors. If the said Board shall take the said premises on the said terms, the Commissioners shall deliver the possession thereof to the Armagh Protestant Local Board, and shall permit them to occupy the same on the said terms so long as the said premises shall be used for the purposes aforesaid. If the said Board shall not take the said premises upon the terms aforesaid, or, having taken them, shall at any time cease to use them for the purposes aforesaid, the Commissioners shall sell or let the said premises to the best advantage, and shall dispose of the proceeds thereof as herein provided.

Cavan School Premises.

64. As soon as conveniently may be after this Scheme shall come into operation with respect to the Cavan Royal School Endowments, the Commissioners shall offer the Cavan School premises to the Cavan Protestant Local Board as of the estimated capital value of £2,500. If the said Board shall take the said premises on the said terms, the Commissioners shall deliver the possession thereof to the Cavan Protestant Local Board, and shall permit them to occupy the same so long as the said premises shall be used for the purposes of a School managed by the said Board in accordance with the provisions of this Scheme. The Commissioners shall, at the same time, invest or set apart from the capital of the Cavan Royal School Endowments a sum of Government Stock equivalent to £2,500, and shall thenceforth hold and apply the same as a Building Fund for the purposes of the Cavan Roman Catholic Local Board as hereinafter provided. If the Cavan Protestant Local Board shall not take the said premises upon the terms aforesaid, or, having taken them, shall at any time cease to use them for the purposes aforesaid, the Commissioners shall invest or set apart from the same capital, and shall thenceforth hold and apply a further sum of Government Stock equivalent to £2,500, as a Building Fund for the purposes of the Cavan Protestant Local Board, and shall sell or let the said School premises to the best advantage, and shall dispose of the proceeds thereof as herein provided.

Dungannon School Premises.

65. As soon as conveniently may be after this Scheme shall come into operation with respect to the Dungannon Royal School Endowments, the Tyrone

Local Boards shall meet and consider, or shall appoint a joint Committee to meet and consider, whether it would be more advantageous to employ the Dungannon School premises for the purposes of education, or to dispose of them by sale or letting, or to dispose of certain portions by sale or letting and to employ other portions for the purposes of education. They shall also consider whether it would be desirable, if the premises should be employed for the purposes of education, that they should be taken, jointly or in several portions, by the two Local Boards, or should be taken wholly or partly by one Board, for the purposes of a School or Schools to be managed by such Board or Boards in accordance with the provisions of this Scheme, and they shall consider the terms and conditions on which the said premises may be most advantageously and justly dealt with, having due regard to the interest of each Local Board therein, and treating any proportion of the value of the said premises which may be proved to be attributable to the expenditure of private moneys on the said premises by any Protestant benefactor or benefactors, as belonging exclusively to the Tyrone Protestant Local Board.

In considering these questions the said Local Boards or Joint Committee may submit any matters of difference to decision by special resolution of the Commissioners, or to the award of any arbitrator or arbitrators appointed by the Local Boards or Joint Committee.

If, having duly considered the matters aforesaid, the said Local Boards or Joint Committee shall agree upon a Scheme for the disposal of the Dungannon School premises, they may submit the same to the Commissioners, who, by special resolution, shall confirm the same, if satisfied that it is for the benefit of education in the Tyrone District as to do, or, if not so satisfied, may remit it to the said Local Boards or Joint Committee for further consideration and revision. Upon confirmation of any Scheme submitted as aforesaid, the Commissioners shall dispose of the School premises in accordance therewith.

If, within six calendar months after the date aforesaid, the Tyrone Local Boards shall not have submitted a Scheme to the Commissioners for the disposal of the Dungannon Royal School premises, or if any Scheme so submitted, after full consideration and revision, shall be declared by the Commissioners, by special resolution, not to be for the benefit of education in the Tyrone District, the Commissioners shall sell or let the said premises to the best advantage, and shall dispose of the proceeds thereof as herein provided.

Enniskillen School Premises.

66. As soon as conveniently may be after this Scheme shall come into operation with respect to the Enniskillen Royal School Endowments, the Commissioners shall offer the Enniskillen School premises to the Fermanagh Protestant Local Board at the estimated capital value of £7,000. If the said Board shall take the said premises on the said terms, and shall, in manner hereinafter provided, pay or secure to the Commissioners, within six months after this Scheme shall come into operation as aforesaid, the sum of £2,500, the Commissioners shall thenceforth hold the said premises upon trust for the Fermanagh Protestant Local Board, and shall deliver the possession thereof to the said Board, and shall permit them to occupy the same so long as the said premises shall be used for the purposes of a School managed by the said Board in accordance with the provisions of this Scheme. If the said Board shall at any time cease to use the said premises for the purposes aforesaid, the Commissioners shall sell or let the said premises to the best advantage, and shall hold and dispose of the proceeds thereof as belonging exclusively to the Fermanagh Protestant Local Board, and as part of

the Endowments to be applied by the said Board in accordance with the provisions of this Scheme.

The Fermanagh Protestant Local Board, as a condition precedent to taking the said premises as aforesaid, shall raise, out of funds contributed for the purpose, and shall pay to the Commissioners the sum of £1,000 at the least, on account of the above-mentioned sum of £3,500; and until the said Board shall have paid to the Commissioners the full sum of £3,500, as the purchase money of the said premises, the interest of the said Board therein shall stand charged with a sum bearing interest at the rate of four per cent. per annum, which, with the sum or sums paid on account as aforesaid, will make up the full sum of £3,500.

If the Fermanagh Protestant Local Board shall take the said premises as aforesaid, the Commissioners shall invest, hold, and apply the sum of £3,500 paid or secured as aforesaid, with the interest and income thereof, as a Building Fund for the purposes of the Fermanagh Roman Catholic Local Board as hereinafter provided. In the same event, the Commissioners shall also ascertain the total amount expended by them out of the Enniskillen Royal School Endowments, from January 1, 1859, to the date of this Scheme, upon the repairs, maintenance, or improvement of the said premises, and, after making an allowance for the cost of necessary repairs and maintenance, at the rate of £150 per annum for the period aforesaid, the Commissioners shall set apart from the capital of the said Endowments, and shall add to the said Building Fund a sum equal to the excess of the total amount expended as aforesaid above the total amount of the said allowance.

It shall be the duty of the Commissioners, and they are hereby empowered, to do and sanction all acts necessary to carry out the foregoing provisions, so as to enable the Fermanagh Protestant Local Board, on paying or securing the said sum of £3,500, to acquire and hold the said premises; but so as to provide that an equal sum of £3,500, representing one moiety of the estimated capital value of the said premises, with a sum equal to the excess of expenditure to be ascertained as above directed, shall be secured and applied for the purposes of the Fermanagh Roman Catholic Local Board as aforesaid, in addition to the share of the said Board in the Enniskillen Royal School Endowments, other than the School premises.

If the Fermanagh Protestant Local Board shall not take the said School premises, or shall fail to pay or secure the said sum of £3,500, within the period above mentioned, the Commissioners, as soon as conveniently may be after the expiration of the said period, shall give public notice of their intention to dispose of the Enniskillen School premises to the best advantage, and shall invite tenders for the same within a limited time. Special notice of the intention to dispose of the said premises shall be given to Her Majesty's Secretary of State for War, and also to the Fermanagh Local Boards, either or both of which may offer to take all or any part of the said premises to be used for purposes of education. So soon as the time limited for receiving tenders shall have expired, the Commissioners shall consider the tenders received, and shall determine whether it would be more advantageous to sell or let the said premises, or to permit all or any part of them to be taken by either or both of the Fermanagh Local Boards to be used for purposes of education, and shall dispose of the said premises or of the proceeds thereof accordingly.

Raploe School Premises.

67. As soon as conveniently may be after this Scheme shall come into operation with respect to the Raploe Royal School Endowments, the Commissioners shall invite tenders within a limited time from each of the Donegal Local Boards to take the said premises to be used for the purposes of a School managed by the Board in accordance with the provisions of this

Scheme. So soon as the time limited for receiving tenders shall have expired, the Commissioners shall proceed, on notice to the Donegal Local Boards, to consider and determine whether it would be more advantageous to accept any tender which may be received from either Local Board, or to dispose of the premises by public sale or letting. In determining this question the Commissioners shall have regard to the interest of both Local Boards in the said premises, and shall treat any proportion of the value thereof which may be proved to be attributable to the expenditure of private moneys on the said premises, by any Protestant benefactor or benefactors, as belonging exclusively to the Donegal Protestant Local Board. The Commissioners shall also take into account—

(a) The requirements of each of the Donegal Local Boards and of the Denominations represented by them, with respect to Intermediate School accommodation, and the accommodation available for each of the said Boards, for Intermediate Education, in the neighbourhood of the School premises.

(b) The amount of capital or income likely to be made available for promoting Intermediate Education in the Donegal District by the sale or letting of the School premises.

If, having duly considered the matters aforesaid, the Commissioners shall be satisfied that it is for the benefit of Intermediate Education in the Donegal District so to do, they shall accept the most advantageous tender, and dispose of the School premises accordingly. If no tender shall be received from either of the Local Boards, which the Commissioners think advantageous, they shall sell or let the said premises to the best advantage, and shall dispose of the proceeds thereof as herein provided.

General Provisions Relating to Disposal of School Premises.

68. Subject to the provisions hereinbefore contained, upon a very sale, letting, or other disposal of School premises under this Scheme, either or both of the Local Boards of the District may become the acquirers, tenants, or purchasers of the School premises, or any part thereof, upon such terms as may be agreed upon, or as the Commissioners shall deem reasonable.

Subject to the provisions hereinbefore contained, every disposal of School premises, and every dealing with the value or produce thereof, or with any moneys received from the same, shall be subject to the following provisions:—

(a) The fair value of any School premises taken by the Local Board shall be ascertained or estimated, by way of annual occupation rent or of purchase-money at the case may require, and the annual or capital value of all premises so taken shall be charged against the Local Board taking the premises, and they shall in each case be bound to pay the amount of such rent or purchase-money, as the case may be, or to account for the same.

(b) Any proportion of the value of any School premises which may be proved to be attributable to the expenditure of private moneys thereon, by any Protestant benefactor or benefactors, shall be treated as belonging exclusively to the Protestant Local Board of the District; and in case of any allocation of endowments among different Protestant Denominations, shall be treated as belonging exclusively to the Denomination to which the benefactor or benefactors belonged.

(c) Any Local Board taking School premises may account for the value thereof either by paying the same out of any funds at their disposal, or by charging the same, by way of annual occupation rent or of purchase-money as the case may

require, against an equal amount of the income or capital of any moneys otherwise payable by the Commissioners to the Local Board under this Scheme.

(d.) Subject to the provisions of this Scheme as to private Endowments, all moneys received or charged by the Commissioners by way of income or annual rent upon any disposal of School premises, shall be paid or credited by them to the two Local Boards of the District in equal shares.

(e.) Subject to the provisions of this Scheme as to private Endowments, all moneys received or charged by the Commissioners by way of purchase-money or fine upon any disposal of School premises, shall be invested and held by them for the benefit of the two Local Boards of the District in equal shares. The capital held for the benefit of each Local Board may be applied by the Local Board from time to time, with the sanction of the Commissioners, as a Building Fund for the purposes of the said Board, as hereinafter provided.

Building Funds.

65. Each Local Board may, with the sanction of the Commissioners, at any time and from time to time, expend the whole or any part of their share of any Building Fund applicable for the purposes of the said Board, in acquiring or erecting new or additional School premises for any Intermediate School or Schools, or in enlarging or improving the buildings or premises of any Intermediate School or Schools, or in acquiring any additional estate or interest in any existing School premises, or in discharging incumbrances upon any existing School premises, or in providing suitable residences for the Head Master or other members of the teaching staff employed in any Intermediate School, or in providing new or additional School furniture or appliances for any Intermediate School or Schools. The Commissioners, upon the written application of any Local Board, may from time to time realise and pay out of the moneys held for the benefit of such Local Board the sums required for the purposes aforesaid. Provided that the premises upon which any such expenditure shall be made shall be vested in the Local Board, or in the Commissioners, for the purposes of this Scheme, for a perpetual estate of freehold, or for a term of which not less than one hundred years shall be unexpired, and that the title shall have been submitted to and approved by the Commissioners, and that the proposed expenditure shall be sanctioned by them. Provided also, that after the first three years, such expenditure shall be made only on a qualified School, or on qualified Schools.

The unexpended portion of each Building Fund shall be invested by the Commissioners, and the income thereof shall be applied for the purposes of the Local Board for whom the same is held.

The provisions of this clause shall apply to each sum of £2,500 authorised to be set apart as a Building Fund from the capital of the Cavan Royal School Endowments, and also to the sums directed to be held as a Building Fund for the purposes of the Fermanagh Roman Catholic Local Board, if the Fermanagh Protestant Local Board shall take the Enniskillen School premises on the terms hereinbefore contained.

Vested Interests.—Savings of Vested Interests of Head Masters.

70. The vested interests of the several Head Masters of the Ulster Royal Schools named in the Second Schedule hereto shall be saved, and this Scheme shall not affect any such vested interest, and shall not come into operation with respect to the Endowments of any of the Ulster Royal Schools in which any of the said Head Masters shall continue to hold office, until his vested interest shall be determined.

Retiring Annuities and Payments to Head Masters.

71. The Commissioners shall grant to each of the said several Head Masters who shall resign, or shall be removed from his office as hereinafter provided, for any cause other than wilful misconduct or culpable neglect, a retiring annuity equal in amount to the annual salary payable to him out of the Endowments of the Royal School of which he was Head Master at the date of the passing of the Act, as stated in the Second Schedule hereto. Each retiring annuity shall commence upon the date at which the Head Master shall retire or shall be removed, and shall give up the clear possession of the School premises to the Commissioners. Each retiring annuity shall be payable to the Head Master during his life.

In addition to the retiring annuities aforesaid, the Commissioners may raise and pay, out of the Endowments of each of the Royal Schools, the Head Master of which shall resign his office, and shall give up the clear possession of the School premises to the Commissioners, within six calendar months after the date of this Scheme, but not afterwards, the several sums following, by way of consideration for the surrender of the School premises to the Commissioners for the purposes of this Scheme:—

To the Head Master of Armagh Royal School, the sum of £150.

To the Head Master of Cavan Royal School, the sum of £200.

To the Head Master of Dungannon Royal School, the sum of £300.

To the Head Master of Enniskillen Royal School, the sum of £500.

Removal of Head Masters.

72. If any of the said several Head Masters shall neglect, refuse, or become unable to perform the duties of his office, the Commissioners, after due inquiry, may, by special resolution, order that such Head Master be removed from his office, which shall thereupon determine; provided that any Head Master may, within one calendar month, appeal against the order of removal to the Lord Lieutenant in Council, who may confirm, discharge, or stay the order of removal, and whose decision shall be final.

Agreement for Retirement of Head Masters.

73. The Local Boards of any District, with the sanction of the Commissioners, may arrange with the Head Master of the Royal School of the District for the determination of his vested interest, and for the surrender of the School premises to the Commissioners for the purposes of this Scheme. Such arrangements may be made at any time after the date of this Scheme, for such consideration provided by the Local Boards or out of the Endowments of the District, and upon such terms and conditions, as may in each case be agreed upon, including the commutation of the retiring annuity payable to the Head Master, or any part thereof, on reasonable terms. Provided that every such arrangement shall be approved by a resolution passed, after due notice, at a joint meeting of both the Local Boards of the District, with the concurrence of a majority of the full number of members of each of the said Local Boards for the time being, and shall be sanctioned by the Commissioners by special resolution.

Assistant Masters and others.

74. From and after the date at which this Scheme shall come into operation with respect to each of the Ulster Royal School Endowments, the services of the Assistant Masters and of all other persons then employed in the Royal School of the District, or receiving any salary or emoluments out of the endowments thereof, shall be discontinued. Upon such discontinuance, the Commissioners shall grant to each of

the assistant masters and other persons named in the Second Schedule hereto, if then still holding the same office which he held at the date of the passing of the Act, during his life, a retiring annuity equal in amount to one-thirtieth part of the amount of the salary payable to him out of the respective Royal School Endowments at the date of the passing of the Act, for each completed year during which he shall have held office under the Commissioners at the date of the discontinuance of his services, not exceeding the full amount of the salary aforesaid, as stated in the Second Schedule hereto.

Provided that each of the Assistant Masters and other persons named in the Second Schedule hereto shall be entitled to retain and hold the same office which he held at the date of the passing of the Act, until this Scheme shall come into operation with respect to the endowments of the Royal School in which he is employed, upon the same terms, and in the same manner, and subject to the same conditions, as if this Scheme had not passed.

Engagement of Annuitants by Local Boards.

75. If any Head Master, Assistant Master, or other person entitled to a retiring annuity under the foregoing provisions shall be employed in any School managed, maintained, or aided by any Local Board, directly or through a School Committee, one half of the amount paid on account of such retiring annuity during such employment shall be treated as paid on account of the moneys otherwise payable by the Commissioners out of the Ulster Royal School Endowments to such Local Board, and the amount so payable shall be reduced accordingly. If the Local Board shall belong to a different district from that upon whose endowments the retiring annuity is charged, the amount deducted from the moneys otherwise payable to such Local Board shall be credited to the income of the endowments of the district upon which the annuity is charged.

Payment of Retiring Allowances.

76. Every retiring annuity payable by the Commissioners under this Scheme shall, for the purposes of apportionment, accrue from day to day, and shall, during its continuance, be payable quarterly out of the income but not out of the capital of the endowments of the Royal School in which the annuitant held office at the date of the passing of the Act, and shall not be payable out of the endowments of any other Royal School. The said annuities shall be payable in priority to all other payments and charges under this Scheme, except as next hereinafter mentioned, and any deficiency of the income in any year to meet the amount of the said annuities for such year, shall be made good out of the subsequent income. Every sum payable by the Commissioners under this Scheme by way of consideration for the surrender of school premises shall be charged upon the capital of the endowments of the Royal School in which the recipient held office at the date of the passing of the Act, but not upon the endowments of any other Royal School, and may be raised by the Commissioners out of the endowments charged therewith by sale or mortgage, or by such other means as they shall think proper, in priority to all other payments and charges under this Scheme.

Exhibitions and Scholarships.

77. Every person who, at the date of this Scheme, shall hold any exhibition or scholarship payable out of the Ulster Royal School Endowments, shall be entitled to receive the emoluments of the same from the Commissioners, for the same period and upon the same terms and out of the same funds as if this Scheme had not passed, subject to the saving of all vested interests, and subject also to the above-mentioned retiring annuities, and payments by way

of compensation for the surrender of School premises, but in priority to all other payments and charges under this Scheme. If after the date of this Scheme any pupil of an Ulster Royal School who was such at the date of the passing of the Act, and who, if this Scheme had not passed, would have been entitled to compete for any Exhibition or Scholarship under like regulations to those which were in force in and for the year 1887, shall so compete, and shall be awarded such an Exhibition or Scholarship, he shall be entitled to receive the emoluments of the same from the Commissioners for the same period, and upon the same terms, and out of the same funds, as if the same were an Exhibition or Scholarship payable at the date of this Scheme.

Balance of Cash Accounts of Ulster Royal Schools.

78. As soon as conveniently may be after the thirtieth day of June or thirty-first day of December next following the date of this Scheme, the Commissioners shall make up and balance the current cash accounts of the several Ulster Royal School Endowments as upon that day. Every balance then appearing due upon any of the said accounts, except the account of the Raphoe Royal School Endowments, shall be treated as the first charge upon the capital of the Endowments from which the same shall be owing, and as thenceforth bearing interest at the rate of four per cent per annum. Any balance then appearing due upon the cash account of the Raphoe Royal School Endowments shall be discharged, by an equal proucentage rate, out of any balances then appearing to credit upon the cash accounts of the other Ulster Royal School Endowments, and, after discharge thereof, the balance remaining to credit upon each of the said accounts, so far as it consists of net income for the current calendar year after payment of current expenses, shall be treated as accruing income, and so far as it consists of accumulations or other moneys, it shall be treated as part of the capital of the Endowments to which it belongs.

Payment of Charges.

79. The Commissioners, so soon as conveniently may be, shall raise out of the capital of the several Ulster Royal School Endowments, all charges and incumbrances due, by sale or mortgage, or by the accumulation and application of income not required for other purposes, or by such other ways and means as they shall in each case think most expedient, and shall discharge the same. Pending the realisation of the amount necessary to discharge any of the charges or incumbrances aforesaid, and so long as they may think fit, the Commissioners may advance from the capital of any of the other Ulster Royal School Endowments, not immediately required for other purposes, any sum or sums required to meet such charges and incumbrances, charging every such advance upon the capital of the Endowments to which the same shall be made, with interest at the rate of four per cent per annum, payable half-yearly, and treating such interest, until repayment of the advance, as part of the income of the Endowments from which the advance shall be made.

Future Accounts of Ulster Royal School Endowments.

80. From and after the date and subject to the provisions of this Scheme, the charges and outgoings payable out of each of the several Ulster Royal School Endowments, including the rents in the Third Schedule mentioned, shall be exclusively charged and paid out of the Endowments subject thereto, and not out of any other Endowments. The Commissioners shall keep such accounts as may be necessary to enable them, within one month after every thirtieth day of June and thirty-first day of December after the date of this Scheme, to ascertain provisionally the sums available for the several payments by this Scheme

directed, and they may make such payments accordingly, out of the several Endowments respectively applicable to the same. The Commissioners, in so doing, may take into account all outgoings, charges, and liabilities, for which it may, in their judgment, appear necessary to provide out of the said several Endowments, and the Commissioners may vary the amount of any subsequent payment or payments, so far as may be necessary to rectify any previous error, or to compensate for any over-payment or under-payment previously made.

PART III.—General Provisions. Other Endowments administered by Commissioners.

81. Save so far as may be otherwise provided by this or any other Scheme framed under the Act, the Commissioners as hereby constituted shall, from and after the date of this Scheme, continue to hold, manage, and administer the Endowments of the Bannagher and Caryfort Royal Schools, and all other Endowments not hereinbefore specially mentioned, and shall continue to exercise all powers and authority, and to do all acts, which might otherwise have been exercised or done by the existing Commissioners, in the same manner in all respects as if the constitution of the Commissioners had not been hereby altered.

Reference to Commissioners.

82. If any doubt or question shall arise as to the proper application or construction of any of the provisions of this Scheme, any Local Board concerned may apply to the Commissioners for their direction or opinion thereon, and the direction or opinion of the Commissioners upon any such doubt or question, given by special resolution, shall be final.

Payment of Expenses.

83. The Commissioners, subject to the provisions of this Scheme, shall pay, out of the several Endowments held managed or administered by them, all charges which under the provisions of the Act shall be properly and necessarily payable by the Commissioners for the costs and expenses of this Scheme, or for audit, inspection, or other purposes; and the Commissioners may apportion all such charges among the several Endowments as they shall think just. The several Local Boards shall, subject to the other provisions of this Scheme, pay out of the income received by them all charges which under the provisions of the Act shall be properly and necessarily payable by them respectively, for the costs and expenses of this Scheme, or for audit, inspection, or other purposes.

Printing of Scheme.

84. The Commissioners shall cause this Scheme to be printed, or shall procure printed copies thereof, and shall keep the same for sale at a reasonable price.

Alteration of Scheme.

85. This Scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, in any matter whatsoever, upon the application of the Commissioners, founded upon a special resolution specifying the alteration required, which resolution shall be passed by a majority consisting of not less than two-thirds of the Commissioners present at a meeting held on due notice for the consideration thereof, and shall be afterwards confirmed by a special resolution of the Commissioners passed at a subsequent meeting held after not less than six days notice for the consideration thereof. Except upon such application as aforesaid, no alteration shall be so made, and no alteration shall be made contrary to anything contained in the Act.

SCHEDULES REFERRED TO IN THE FOREGOING SCHEME.

First Schedule.—Qualified Schools.

The conditions to be fulfilled by a School in order that it shall be qualified to receive benefit from the Ulster Royal School Endowments, after the first three years mentioned in the Scheme, shall be as follows:—

(a.) The School shall be an Intermediate School conducted in accordance with the provisions of this Scheme, and shall be managed by the Local Board of the District in which it is situated, either directly or through a School Committee established appointed or recognised as prescribed in the Scheme.

(b.) Instruction shall be regularly given in the School, throughout each School year for which a payment is made, in the following subjects at the least:—

In a School for Boys—Latin; Greek; English; French or German; Ancient and Modern History; Geography; Arithmetic; Algebra; Geometry; and Physical Sciences or Drawing.

In a School for Girls—Latin; English; French or German; Ancient and Modern History; Geography; Arithmetic; Algebra or Geometry or Physical Sciences; and Music or Drawing.

In a School for Boys and Girls—Latin; Greek; English; French or German; Ancient and Modern History; Geography; Arithmetic; Algebra; Geometry; and Drawing.

(c.) The School, throughout each School year for which a payment is made, shall have regularly afforded Intermediate Education, in the subjects hereinafter specified at the least, to not less than twenty pupils, each of whom shall have made not less than one hundred attendances as a pupil at the School on different days in the School year, and not less than seven of those pupils shall, during the School year, have passed the Examinations of the Intermediate Education Board for Ireland, in the following subjects at the least:—

For Boys—English; Latin; Greek or French or German; and two Mathematical subjects, or one Mathematical subject and Drawing.

For Girls—English; Latin; French or German; and two Mathematical subjects, or one Mathematical subject and Drawing or Music.

In the Programme of the above-mentioned Examinations, Arithmetic, and any subject including Arithmetic, shall be regarded as a Mathematical subject.

(d.) The date at which the School year shall terminate for the purposes of this Schedule shall be the first day of August in each year: no attendance of any pupil shall be counted at more than one School in the same School year, and no pupil shall be counted who on the last day of the School year shall be less than twelve or more than nineteen years of age.

(e.) The Inspector appointed by the Lord Lieutenant shall satisfy himself by efficient examination and inquiry, and shall report and certify that throughout each School year for which a payment is made, the buildings, appliances, and premises of the School have been sufficient and suitable for an efficient Intermediate School, and have been maintained in good order, that a competent staff for the efficient teaching of the subjects specified in this Schedule has been employed in the School, and that Intermediate Education has been regularly afforded to the required number of pupils of the prescribed age, in the prescribed subjects at the least.

Provided that in any case in which a School may be prevented, by any temporary or accidental cause, from fulfilling all the conditions aforesaid in any School year, the Commissioners may, for such year, dispense with the fulfilment of any one or more of the said conditions, upon being satisfied that the School

is likely to fulfil the same in the next succeeding year, but such a dispensation shall not be made for the same School for two consecutive years.

The Schools fulfilling the conditions specified in this Schedule, and none others, shall be qualified Schools for the purposes of this Scheme.

Second Schedule.—Vested Interests.

Armagh Royal School.

Name.	Office.	Date of Appointment under Commissioners.	Annual Salary in date of Act.
Rev. William Moore Morgan, D.D., . . .	Head Master, . . .	July 1, 1869, . . .	400 0 0
Thomas Gordon, M.A., . . .	Assistant Master, . . .	June 18, 1873, . . .	150 0 0

Cavan Royal School.

Rev. William Peter Moore, M.A., . . .	Head Master, . . .	November 16, 1836, . . .	100 0 0
F. J. Anderson, . . .	Assistant Master, . . .	February 24, 1862, . . .	200 0 0
W. Brown, M.A., . . .	Assistant Master, . . .	February 1, 1868, . . .	26 0 0

Dungannon Royal School.

Rev. Frederick H. Hargreaves, M.A., . . .	Head Master, . . .	August 1, 1852, . . .	500 0 0
W. H. Gunning, M.A., . . .	Assistant Master, . . .	August 1, 1872, . . .	60 0 0
T. C. Gurnley, . . .	Assistant Master, . . .	February 1, 1874, . . .	60 0 0
M. Bickett, M.A., . . .	Assistant Master, . . .	February 1, 1880, . . .	60 0 0

Enniskillen Royal School.

Rev. William Swale, D.D., . . .	Head Master, . . .	April 19, 1855, . . .	500 0 0
W. J. Vaneless, M.A., . . .	Assistant Master, . . .	November 1, 1875, . . .	200 0 0
C. Hearn, M.A., . . .	Assistant Master, . . .	February 1, 1880, . . .	60 0 0

Third Schedule.—Ulster Royal School Premises.

Armagh Royal School Premises.

1. The piece of ground containing 7 acres, statute measure or thereabouts, with the buildings and out-offices of the Armagh Royal School now standing thereon, held by the Commissioners of Education in Ireland in fee-simple.

2. The piece of ground adjoining the above mentioned premises, containing 1½. 2a. 0c., statute measure, or thereabouts, occupied by the Head Master of Armagh Royal School for the purpose of the School, and held by the Commissioners for ever, subject to the yearly fee-farm rent of £40 7s. 6d.

3. The fixtures, furniture, and other effects, the property of the said Commissioners, upon the said premises.

Cavan Royal School Premises.

1. The piece of ground containing 10a. 2a. 13r., statute measure, or thereabouts, with the buildings and out-offices of the Cavan Royal School now standing thereon, held by the Commissioners in fee-simple.

2. The fixtures, furniture, and other effects, the property of the said Commissioners, upon the said premises.

Dungannon Royal School Premises.

1. The piece of ground containing 10a. 1a. 53r., statute measure, or thereabouts, with the buildings and out-offices of the Dungannon Royal School now standing thereon, held by the Commissioners in fee-simple.

2. The piece of ground adjoining the above-mentioned premises, containing 20 perches, or thereabouts, occupied by the Head Master of Dungannon Royal School for the purpose of the School, and held by the Commissioners for a term of 999 years, subject to the yearly rent of £1.

3. The fixtures, furniture, and other effects, the property of the said Commissioners, upon the said premises.

Enniskillen Royal School Premises.

1. The piece of ground containing 54a. 1a. 5r., statute measure, or thereabouts, with the buildings and out-offices of the Enniskillen Royal School now standing thereon, held by the Commissioners in fee-simple.

2. The fixtures, furniture, and other effects, the property of the said Commissioners, upon the said premises.

Raphoe Royal School Premises.

1. The piece of ground containing 2a. 2a. 5r., statute measure, or thereabouts, with the buildings and out-offices of the Raphoe Royal School now standing thereon, held by the Commissioners in fee-simple.

2. The piece of ground containing 9a. 0a. 20r., or thereabouts, lately occupied by the Head Master of Raphoe Royal School, for the purpose of the School, and held by the Commissioners for a term of 999 years, subject to the yearly rent of £25 11s. 3d.

3. The fixtures, furniture, and other effects, the property of the said Commissioners, upon the said premises.

We, the Judicial Commissioners constituted under the Educational Endowments (Ireland) Act, 1855, having duly prepared the foregoing Scheme, hereby submit the same for the approval of the Lord Lieutenant in Council under the said Act duly signed by both of us under our hands, this Eighth day of December, 1870,

GERALD FERGUSON,

WILLIAM O'BRIEN,

Judicial Commissioners.

Witness:

WM. EDWARD ELLIS,

Secretary.

APPENDIX C.

THE PRINCIPAL OBJECTIONS AND AMENDMENTS TO DRAFT SCHEMES
RECEIVED BY COMMISSIONERS DURING THE YEAR 1890-91.

See Table III., p. xvii., infra.

SCHEME No. 99.—THE BANGOR ENDOWED SCHOOL.

I.—THE PRESBYTERY OF ARDA.

Bangor,
11th Feb., 1891.

SIR,—We have to thank you for sending us the Draft Scheme for the Bangor Endowed School. We submitted it to the Presbytery of Arda. We are instructed to say that the Presbytery object to the inadequate representation of the Presbyterian Church on the Board of Governors, seeing that in Bangor and the surrounding district, from which pupils will

be drawn, Presbyterians are in the majority. We have to ask, therefore, that the Presbytery of Arda be permitted to nominate four additional Governors, so that the Board shall consist of an equal number of Episcopalians and Presbyterians.

(Signed), ALEXANDER PATTON, M.A.,
WILLIAM CLARKE, B.A.

II.—THE HON. SOMERSET WARD.

Bangor Estate Office,
Downpatrick,
29th Dec., 1890.

SIR,—I beg to inform you that Lord Bangor and Mr. Robert Edward Ward cordially approve of the Draft Scheme for Bangor Endowed School.

Page 15, sec. 28. "Every Head Master shall be a graduate." The present Head Master, Mr. Rainey,

has been most successful in carrying on the work of the school. He is not a graduate. Will this affect his position?

Sec. 29. I beg to suggest that, after the words "shall be removable by the Head Master," the words "with the approval of the Governors," be inserted.

(Signed), SOMERSET WARD.

III.—THE COMMISSIONERS OF CHARITABLE DONATIONS AND REQUESTS FOR IRELAND.

2, Kildare-place, Dublin,
9th day of March, 1891.

SIR,

I am directed to call the attention of your Commissioners to clause 15 in above Scheme.

It will be in your recollection that, on the 10th October, '90, they wrote to my Commissioners a letter in which they suggested the form of clause for "Maintenance and removal of schools." My Commissioners expressed themselves satisfied with the

draft clause which omitted the word "due" before the word "inquiry."

I am now to point out that in both the above Schemes the word "due" has been re-inserted. My Commissioners feel sure that this is a mere oversight, and that they have only to call the attention of your Commissioners to it to ensure its omission in this and further Schemes.

Yours faithfully,
AROLD A. GRAVES.

SCHEME No. 100.—THE TATE SCHOOL, WEXFORD.

The Corporation of the Town of WEXFORD.

As to the Governing Body.

(1.) The Corporation objects to the constitution of the Governing Body of said School as proposed by the second paragraph of the said Draft Scheme in so far as it provides that two Representative Governors shall be elected by the Diocesan Council of the Church of Ireland on the following grounds:—

The Corporation submits that by the will and codicil of the testator, William Tate, it was clearly intended by him that the Governors or as they are therein called "the Trustees" should be intimately connected with the town of Wexford for the benefit of whose poor children he exclusively intended the Charity.

The Corporation submits that the trust created by

"Tate's will" for the weekly purchase of bread, to be impartially distributed amongst indigent housekeepers of the town of Wexford, without any distinction of religion, taken in connection with the wording of the codicil, proves that the Charity was not intended to be denominational; and, while admitting that heretofore it has been treated as a Protestant school, begs to point out that the Draft Scheme in its second paragraph, while unduly enlarging the area beyond the limits intended by the testator, confines the choice of two of the Representative Governors to a Council in the Diocese of a particular section of Protestants, namely to a Council of Members of the Church of Ireland, to be elected by the Diocesan Council to the exclusion of the other bodies of Protestants—a course which they submit was never intended by the donor.

The Corporation submits that the sheriffs mentioned in the will and codicil were, in the contemplation of the testator, two persons connected with the Governing Body of the said town of Wexford, and that "Sherriffs" referred to the two "Bailiffs" who then formed part of the then Corporation, and performed the duties of sheriffs, and whose offices were filled by men of the highest standing in said town, and not by men of the class from which ordinary bailiffs are now selected, as appears by the corporate records.

The Corporation accordingly claims that the power of appointing these two Representative Governors should be vested in them and not in the Diocesan Council, and that the Corporation should, from time to time, elect two Protestant inhabitants of said town: the word "Protestant" to include all denominations of Christians exclusive of Roman Catholics.

As to the Qualifications of Free Boarding Pupils.

(2.) The Corporation submits that paragraph 20, clause (a) should be amended by providing:—

First—That the lawful children of parents resident in the town of Wexford should have a perpetual right of admission.

Second—Failing such, those resident within a radius of ten miles of said town.

Third—Failing such, those resident in the county of Wexford.

Fourth—The qualifying residence to be for a period of, at least, six months previous to the said election.

Examination of Candidates.

(3.) The Corporation objects to the mode proposed, in the 21st and 24th paragraphs, for the examination of candidates, and submits such would not fulfil the objects of the donor and would practically place the election in the hands of the teacher for the time being.

The Corporation submits that the school, being a charity school, should be mainly for the benefit of the poor, whose position in life would probably not enable them to get their children to undergo a high class examination; and that, if a boy of good character and not physically incapacitated was able to read fairly well, he should not be considered less fitted for admission than another candidate of superior attainments, as otherwise boys would be excluded whose poverty would most require benefit of the charity.

As to Chairmanship.

(4.) The Corporation submits that, inasmuch as a Mayor is the person first mentioned throughout the will and codicil, he, if present, should be entitled to fill the position of chairman at meetings of the Governing Body; and that the 25th paragraph of the Draft Scheme should be amended accordingly, and thus made more in accordance with the spirit of the will and codicil.

As to Alterations of Scheme.

(5.) The Corporation submits that the words "Corporation of Wexford" should be inserted in place of the words "Diocesan Council" in the 40th paragraph of said Draft Scheme.

These objections are delivered on behalf of the Mayor, Aldermen, and Burgesses of the town of Wexford, by their Solicitor,

CHARLES TAYLOR, 14, High-street, Wexford,
this 12th day of February, 1891.

SCHEME No. 105.—MIDLETON ENDOWED SCHOOL.

I.—THE INTERMEDIATE EDUCATION BOARD.

1, Hauns-street, Dublin,

17th April, 1891.

SIR,—The Intermediate Education Board for Ireland have had under consideration the draft Scheme, No. 105, Middleton Endowed School, Cork, of the Educational Endowments (Ireland) Commission.

With reference to the provision contained therein, that the Intermediate Education Board may nominate a Governor, we are directed to acquaint you, for the information of your Commissioners, that our Commissioners must decline such duty, as they are of opinion that they could not discharge it in a satisfactory manner.

We are, therefore, to request you to move your Commissioners to be good enough to have the provision in question removed from the Scheme.

We are, sir, your obedient servants,

T. J. BELLISHAM BRADY, } Assistant
JOHN C. MALEY, } Commissioners

The Secretary,
Educational Endowments
(Ireland) Commission,
25, Nassau-street, Dublin.

II.—THE COMMISSIONERS OF EDUCATION IN IRELAND.

The Commissioners of Education in Ireland object to the Draft Scheme published for the above-named Endowment, and submit that it should be amended by striking out of the 9th, 18th, and 24th sections, the provisions requiring the sanction or consent of the Commissioners in the cases therein specified, and also by striking out of the 30th section the power reserved

to the Commissioners of applying to the Commissioners of Charitable Donations and Bequests for Ireland for an alteration of the Scheme.

JEFFREY McDOWELL,
Secretary.

III.—THE EXISTING TRUSTEES.

The Governors of Midleton Endowed School met, after due notice, April 1st, 1891, at the school, to consider the Draft Scheme, No. 105, dated March 9th, 1891.

There were present—

The Right Reverend The Lord Bishop of Cork.
The Right Honorable Viscount Midleton.

Captain E. C. Bayly.

James H. B. Fenrose Fitzgerald.

Rev. Thomas Moore, M.D., Rector of Midleton.

After full consideration it was unanimously resolved—

1. That Midleton School is of private foundation, the endowment having been given by the Countess of Ockney and increased by Sir Alan Brodrick.

2. That the Founder appointed that the Lord Bishop of Cork and the Sovereign of Midleton should be *ex-officio* Trustees.

3. That, as the *ex-officio* Trustees must of necessity have been always members of the Church of Ireland, it was the evident intention of the Founder that the School should be kept in connexion with the Church of Ireland.

4. That the Bishop of Cork was to make rules for the management of the school from time to time.

5. That the Governors have always been, as a matter of fact, members of the Church of Ireland.

6. That the Head Masters have always been members of said Church and often in Holy Orders.

7. That the Governors have gladly opened the school to all in the neighbourhood, irrespective of creed, and that a Conscience Clause has always been strictly observed.

8. That we are of opinion that the Governors of the School should in future as in the past be members of the Church of Ireland.

9. That we object to the Draft Scheme, because it is proposed to place upon the Board *ex-officio* members who are not necessarily members of the Church of Ireland, as it was evidently the intention of the Founder that all Governors should be members of said Church.

ROBERT S. CORK, Cloyne, and Ross,
Chairman.

MIDLETON.

E. C. BAYLY.

J. FENROSE FITZGERALD.

THOMAS MOORE, C.R., M.D., Secretary.

I agree.

R. U. FENROSE FITZGERALD.

EXTRACT FROM MIDLETON CHARTER.

June 10, 1670, 22 Chas. II.

"And we do further require that the said William Hutchings [first Sovereign of Midleton] do, before the said 25th September next ensuing, in the presence of our going Judges of Assize for the said County of Cork, or one of them, whom we do empower to administer the aforesaid oath, do take the oath of a Justice of Peace, the Oath of Supremacy expressed in the statute made in the second year of the reign of the late Queen Elizabeth, and also the Corporal Oath."

"Deputy Sovereign to take same oath."

"And after the end of the said Wm. Hutchings, his Government, our will and pleasure is that every Sovereign of the said Town shall hereafter be elected in manner and form aforesaid shall take the said several oaths."

"Unto every of the said Bailiffs of this said Town and Borough the Oath of Supremacy."

"And to every Freeman of the said Borough and Town the said Oath of Supremacy."

The Corporation of Midleton determined in 1840—The Parishment Roll containing the names of Sovereigns, Freeman under Queen Victoria, has written under the Queen's name as the Oaths to be taken—those of Abjuration, The Oath of Supremacy, and the Corporation Oath.

IV.—Right Rev. the LORD BISHOP of CORK, CLOYNE, and ROSS.

The Palace, Cork.

SIR,

I have the strongest possible objection to the proposed Scheme as being both inexpedient and unjust.

It is inexpedient, because it is contrary to the generally admitted principle that, although a day school may be managed by a mixed committee, a boarding school cannot be satisfactorily managed in this way, so that the Scheme does not provide for the future good government of the school.

It is unjust, because the result will be to divert endowments given by a private donor from the purposes for which they were given.

With the greatest respect for the Commissioners, I feel it necessary to state clearly these objections, and to oppose the passing of the Scheme so far as it may be possible for me to do so.

(Signed),

ROBERT S. CORK.

April 20th, 1891.

V.—THE PROVOST OF TRINITY COLLEGE.

Trinity College, Dublin,

April 29th, 1891.

Sir,

I have received the Draft Scheme (No. 105) for Midleton Endowed School, in which I find, to my great surprise, that the Provost of Trinity College is named as one of the proposed Governing Body.

I object to the Scheme, not on account of any unwillingness on my part to be useful to the school in any way in my power, but simply because the proposed Scheme for its government appears to me to be extremely ill-contrived.

There never has been, as far as I know, any historical connexion between the Provost of Trinity College and the school; and by reason of distance he is little likely to attend meetings of the Governing Body. It is true he is given the right to nominate a Governor in his stead, but distance is also an obstacle to his knowing of local persons suitable for appointment. I happen to know more about the neighbourhood of Cork than my successor is likely to know, yet I should be embarrassed to name a substitute without writing for advice to the Bishop or other persons with local knowledge. It seems to me more preferable to give the appointments directly to some local persons.

So far the Scheme seems to me, though not as good as it might be, yet not absolutely objectionable. But I am a member of the Board of Intermediate Education to which also it is proposed to give the appointment of a Governor. Now little knowledge as I possess of persons suitable for such appointments, I believe I know more than any other member of the Intermediate Education Board. The members of the Board in future are not likely to possess that knowledge, nor is it any part of their duty to acquire it.

But if we were called on to make an appointment, in addition to embarrassment arising from our ignorance, would be that of religious differences. The Intermediate Board is designedly constituted so as to include representatives of different religions. We have been always careful to avoid religious disputes, and have been able to do so because having ordinarily several appointments to make at one time, we could give a fair proportion to each religious denomination. But I am sure our Board would be unwilling to undertake the duty of nominating a single

person, if for no other reason, because it would probably give rise to controversy among ourselves of what religion the person to be appointed should be.

I notice further that the President of Queen's College, Cork, is to be *ex-officio* a Governor. Now that president has always been a Roman Catholic, and it is to be expected that he always will be one.

Now a day school, managed with the protection of a conscience clause can, without much inconvenience, be governed by a mixed Board. But parents ordinarily will not send their children to a boarding school unless the master is of the same religion as themselves. And as the question cannot be made of what religion it is intended the master of Midleton College shall be.

Now, I find the Midleton College is a private foundation; that the master always has been a member of the late Established Church, and that this was evidently intended by the founder. I am, too, that this is so far recognised in the Scheme, that the Bishop is always to be one of the Governors, and that a predominant share of the government is given to members of the Church of Ireland. But why then include in the government one who, it can be foreseen, will certainly be of a different religion? It is most important for the smooth working of the institution, that there should be no friction either between the Governors and the head master or between the Governors themselves. The introduction among the Governors of one of a different religion is very likely to give rise to such friction. It is further objectionable because the inclusion of a Roman Catholic in the first Governing Body may be hereafter regarded as a decision by the present Commissioners that that religion ought to be represented in the government, and this may give rise to future claims that that religion should get a larger share of the representation, and so weaken the stability of the present arrangement. On these grounds, though not absolutely resolved to refuse the office of Governor, if on mature consideration it is deemed desirable that I should accept it, I entirely object to the Scheme in providing a mixed Board for the government of the school.

(Signed),

GEORGE SALMON.

VI.—THE STANDING COMMITTEE OF THE GENERAL SYNOD OF THE CHURCH OF IRELAND.

The Standing Committee of the General Synod of the Church of Ireland object to the above Scheme on the grounds that, with respect to the constitution of the Governing Body, it has not been framed with due regard, either to the spirit of the founder's intentions, as provided by the Educational Endowments (Ireland) Act, 1883, or the known history of the school.

The Standing Committee submit that the founder not only did not contemplate the possibility of the school being governed by any except members of the then Established Church, but also that she took precautions to prevent any such interference with her wishes, by appointing, as *ex-officio* trustees, the Bishop of Cork and the Sovereign of Midleton, a municipal officer who at that time must necessarily have been a Protestant.

As the result of these provisions, the school has always been managed by members of the then Established Church, and its masters have always belonged to the Established Church, often being in Holy Orders.

The Standing Committee therefore object to the probability, as contemplated by the Scheme, of any but members of the Church of Ireland becoming Governors; and suggest that there should be four *ex-officio* Governors—The Bishop of Cork, The Viscount Midleton, a nominee of the Provost and Senior Fellows of Trinity College, Dublin, and a nominee of the Intermediate Education Board, together with three co-opted Governors: all to be members of the Church of Ireland.

They further submit that only members of the Church of Ireland should be eligible for the post of head master.

H. KINGSMILL MOORE,

Hon. Sec. of Education Sub-Committee of the Standing Committee of the General Synod.

May 20, 1891.

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SCHEME No. 106.—JOHN IVORY'S SCHOOL, NEW ROSS.

I.—THE EXISTING TRUSTEES.

1. Clause 3, paragraph 3.—Add the address of Edward Neville—Bawnmore, New Ross.

2. Clause 3 (c).—The Trustees suggest that sums of £10 and over subscribed should be put to the capital of the endowments.

3. Clause 14.—The Trustees think that, in case there should be no candidate for free education possessing the necessary qualifications, some provision should be made in the Scheme for the application of the money allocated for free places.

4. Clause 17.—The Trustees suggest that the school shall not be removed to any place more than one mile from New Ross.

5. Clause 23.—The Trustees suggest that the Governors should only meet once a year.

6. Clauses 27 and 28.—The Trustees object to inspection and audit on the score of expense, and suggest that the Master might audit the accounts.

7. The Trustees point out some necessary corrections in the Schedule.

II.—Colonel C. G. TOTTENHAM, D.L.

Ballycurry, Ashford, Co. Wicklow,
April 18, 1891.

SIR,—In returning the Scheme proposed by Educational Endowments (Ireland) Commissioners for the future management of the New Ross Endowed School, I beg to draw your attention to the considerations noted in margin by my co-trustees, Rev. F. Le Hurle and Mr. Neville, in which I concur, and to say that the income of the endowment being so very small, it would be a severe burden to place the school under the probably costly arrangements for audit and inspection therein provided.

With a view to obtaining, so far as possible, an uniform income, we think that donations of £10 and

upwards should be invested as capital, and the interest only applied to the needs of this school.

I desire to add, on my own account, that it appears to me much better to appoint the Bishop of the Diocese Visitor of the school, with power to adjudge in case of disputes, or to check and remedy abuses, if such occur, than to make him a member of the governing body itself.

His residence at a distance, and his many duties throughout the diocese, would cause expense, delay, and inconvenience in fixing dates for meetings; and should he not be present, there would be a tendency to postpone business, in order to consult his Lordship, and so forth.

(Signed), CHARLES G. TOTTENHAM.

SCHEME No. 107.—THE KILLINCHY SCHOOLS.

(See Evidence, pp. 74–88.)

I.—Rev. J. G. BURTON, Rector of Killinchy.

DEAR SIR,—Will you kindly lay the following objections against the Draft Scheme for the management of these schools before the Educational Endowments (Ireland) Commission?

1st.—That in case an equal number of the Managing Committee vote for two candidates for the position of teacher in these schools, that the National Education Commissioners practically have the appointment. This arrangement puts the Church of Ireland in a worse position than was intended by the founder of these schools; it takes away a right from the Church of Ireland, viz.—that in this case the Churchwardens and their successors should appoint the Master. Churchwardens are officers of the Church of Ireland, and in justice and fair play they and not the National Education Commissioners should have and continue to have the final appointment of the Master.

2nd.—The provision in paragraph 16 permits the teachers to be Atheists or Buddhists; considering therefore the history of these schools it would be only fair that the Head Master be a Churchman, and the Head Mistress a Presbyterian, as at present.

3rd.—The Governors have power to maintain evening schools. I, as the Rev. H. Ward's successor in the parish, should have liberty to hold evening classes without any permission.

4th.—From paragraph 19 of Draft, the words "and Minister respectively," both in line 6 and line 8, should be omitted, as also the words "of the pupils of their own denominations." Indeed all the words after "Incumbent" in line 6 should be omitted, because it is leaving an opening for the continuance of just bickerings between the two denominations, and besides it gives the Minister of the Presbyterian Church a say in the carrying on of our Sunday schools, and it is creating an outside interference in our Sunday school management which hitherto has had no existence.

5th.—In paragraph 21, the same chairman may continue all his life. The fairer way it seems to me would be to have the Incumbent of the parish one year as the chairman, and the Presbyterian Minister as vice-chairman, and in the next year reverse the position of the clergymen. An alteration ought also be made about the quorum, three is the number recommended, but they should not all be of the same denomination.

6th.—In par. 25 before the word "Governor" in line one, insert either word "lay" or "clerical," as Ministers of religion (Church and Presbyterian) are *ex-officio* Governors.

(Signed), J. G. BURTON.

II.—Rev. LE. PAUL T. LEDOUX, lately Rector of Killinchy.

Page 6, sec. 2.—Mr. Ledoux objects to James Russell and Messrs. McCann and Morrow being appointed Governors.

Page 6, sec. 6.—Mr. Ledoux suggests that the place of meetings of the Governors should be the school-house.

Page 9, sec. 16.—Mr. Ledoux strongly objects to power being given to change the site of the schools.

Page 9, sec. 16.—Mr. Ledoux claims that a "correspondent" should not, as such, have any of the powers of a "manager."

Page 10, sec. 18.—Mr. Ledoux suggests that, out of school hours, the school premises should be under the control of the Rector.

Page 11, sec. 21.—Mr. Ledoux objects to the chairman having a casting vote.

III.—THE PRESBYTERIAN MEMBERS OF THE SCHOOL COMMITTEE.

We, the Presbyterian members of the Committee of the Killinchy Schools, submit the following amendments to Scheme No. 107 for "The Killinchy Schools":—

(1.) That in clause 1, line 7, from bottom of page 4, for the words "Congregation of the Presbyterian Church, Killinchy," be substituted the words—"The Killinchy Presbyterian Congregation"; and that for the word "Presbytery," the word "Session" be substituted. The paragraph would then read "The Session shall mean the body known as the Session of the Killinchy Presbyterian Congregation in connection with the General Assembly of the Presbyterian Church in Ireland, and shall include any authority duly empowered under the laws of the said Presbyterian Church to perform the functions now performed by the Session."

(2.) That in paragraph 3 of clause 2, page 5, arranging for the ex-officio Governors, there shall be added after the words "each for the time being," the following:—"Whenever a vacancy in the office of ex-officio Governor shall occur through the resignation or removal of the officiating minister or ministers of the Killinchy Presbyterian Congregation, the minister appointed by the Presbytery to act as Moderator of the Session of the Killinchy Congregation, shall be ex-officio governor until a minister be ordained or installed in the congregation."

NOTE.—Before the present minister was ordained this congregation was vacant for about fifteen months. Such delay arises from the fact that in Presbyterian policy the people may take considerable time in the election of their minister, and after he is elected he undergoes a probation which may extend to three months before he is ordained by the Presbytery. During this period another candidate is appointed to act as Moderator of Session, and is in effect for the time the minister in charge of the congregation.

(3.) That the second sentence in clause 5, page 6, be as follows:—"The said Register may be corrected by the Governors from time to time at any of their meetings to which the subscribers have been duly summoned, and the same, when signed by the chairman of any such meeting, and certified to be correct by the secretary, or other officer appointed for the purpose, shall be conclusive evidence that those named therein and none others are qualified subscribers for the time being under this scheme."

(4.) That clause 21, page 11, be changed as follows:—"All matters and questions shall be determined by the majority of the Governors present; in every case of equality of votes the chairman of the meeting shall have a second or casting vote, except in the case of the election of the chairman, the vice-chairman, the head master, or the head mistress. If, in the case of the election of a head master or head mistress, there be a difference of opinion, the question shall be deferred until a larger number of Governors shall attend. The Governors may appoint an honorary secretary and such other honorary officers as they may think fit."

NOTE.—We decidedly object to the paragraph in its present form, as it might assist the chairman first appointed keeping himself permanently chairman by means of a casting vote, or alternating the office with one of his own party.

Given at Killinchy, Co. Down, this 6th May, 1891, by us—

DAVID RAPHAEL MOORE,
Presbyterian Minister.

HAMILTON McCASK,
SAMUEL MORROW

III.(a).—LETTER of Rev. D. R. MOORE in reference to Objection No. III.

The MANS, Killinchy,

8th May, 1891.

DEAR SIR,—In reference to clause 21, page 11, in Scheme 107 (the Killinchy Schools), I beg to state that the Presbyterian Members of the Committee will be satisfied if the offices of chairman and vice-

chairman be arranged to alternate each year between the two ex-officio Governors, i.e., the Incumbent and the Presbyterian Minister. None of the other Members of Committee ever consent to take the chair.

(Signed), D. R. MOORE.

IV.—LETTER of Rev. A. WILSON.

Killinchy, Co. Down,

May 8th, 1891.

SIR,—I have entered no protest against the proposed Scheme for the future management of Killinchy School, because a gross injustice is done in that Scheme to my denomination, in its being totally ignored in the management. This injustice is the more patent from the fact that my denomination is the most numerous, most wealthy, and pays the largest amount

of taxes of any denomination in the locality. If the Commission perpetrate this injustice of the Board of Inquiry in the case of this school, I shall be forced to seek from the House of Commons the justice denied me by the Educational Endowments Commission.

(Signed), A. WILSON,
Rev. Presb. Minister.

V.—THE STANDING COMMITTEE of the GENERAL SYNOD.

The Standing Committee of the General Synod of the Church of Ireland object to the above Scheme for the following reasons:—

1. By allowing the election of four representative Governors without specifying their denomination, it destroys the original provision for preserving the equality of the Denominations on the Governing Body.

2. It removes, from the Churchwardens to the Commissioners of National Education, the right of final decision in the appointment of teachers.

3. It makes insufficient provision for the protection of such rights as the Incumbent and the members of the Church of Ireland have hitherto enjoyed with

reference to the use of the buildings for Sunday Schools and other similar purposes.

They are of opinion that, as the founder gave the right of final decision to Church officers, and as the endowment has been almost entirely due to the liberality of Churchmen, the Incumbent should be ex-officio Chairman of the Board, and the Presbyterian Minister Vice-Chairman.

H. KINGSBILL MOORE,

Hon. Sec. Education Sub-Committee of the Standing Committee of the General Synod.

May 8th, 1891.

SCHEME No. 110.—THE CROFTON ENDOWMENTS, CLONDROHID.

I.—THE LORD BISHOP OF CORK, CLOVNE, and ROSS.

The Palace,
Cork.

SIR,—I beg to object to the Scheme proposed for the Crofton Endowments, Clondrohid, No. 110, on the ground that the condition on which Mrs. Anneston Crofton bequeathed and endowed the school, viz., "That every child receiving education therein shall receive a copy of the Bible" is disregarded, and would be altogether ignored if the Scheme were enacted as proposed, even for the tenants of the estate willing and anxious fully to comply with the conditions of the original trust.

Some of these tenants, as I am informed, live nearer to Marroom than to the present school, so that if that school be not continued as at present, I consider that the whole or two-thirds of the available income at least should be applied for the benefit of the Protestant School at Marroom, which the Protestant children on the Crofton Estate can conveniently attend. This, I believe, would be far better than any mixed Board, such as that proposed in the Draft Scheme.

(Signed),

ROBERT S. CORK, CLOVNE, and ROSS.

May 8, 1891.

II.—THE STANDING COMMITTEE of the GENERAL SYNOD of the CHURCH of IRELAND.

The Standing Committee of the General Synod of the Church of Ireland object to the above Scheme because its tendency is to hand over to the Roman Catholic Church the entire of an endowment bequeathed by a member of the Church of Ireland to found a school, under an educational provision indicating that the school was to be conducted on Scriptural principles, and that the version of the Holy Scripture used in the then Established Church was to be adopted and used.

The Committee further object to an endowment, which was left for the establishment of a school-house, being diverted to the other purposes enumerated in clause 9.

The Committee is of opinion that the expressed intention of the founder to supply a school for the neighborhood, as distinct from that which they believe to be implied in the clause in the will relating to the Bible, might be carried out by a division of the endowment such as is proposed in clause 12.

They object to the provision given, in clause 9, to the Manager of National Schools to claim the premises

described in Schedule I, as being wholly regardless of the just rights and claims of the Church of Ireland.

They further object to the whole of the property described in Schedule II, being applied under any circumstances to the maintenance of *Gurran National Schools*; and they submit that such wholesale handing over of property belonging to a member of the Church of Ireland, and especially of one whose religious principles were such as are evidenced by the above provision as to the Bible, to be administered by a school, the manager of which is a Roman Catholic, is manifestly unjust; and that to establish such a precedent would tend to shake all faith, on the part of the public, in the maintenance by public authority of the known wishes of those who devote their property to charitable purposes.

H. KINGSBILL MOORE,

Hon. Sec. of the Education Sub-Committee of the Standing Committee of the General Synod.

May 8th, 1891.

III.—HENRY G. CROFTON.

As the representative of the founder I object to the above Scheme, because its tendency is to hand over to the Roman Catholic Church the entire of an endowment bequeathed by a member of the Church of Ireland to found a school, under an educational provision, indicating that the school was to be conducted on Scriptural principles, and that the version of the Holy Scriptures, used in the then Established Church, was to be adopted and used.

I further object to an endowment, which was left for the establishment of a school-house, being diverted to the other purposes enumerated in clause 9.

I am of opinion that the expressed intention of the founder to supply a school for the neighbourhood, as distinct from that which I believe to be implied in the clause in the will relating to the Bible, might be carried out by a division of the endowment such as is proposed in clause 12.

I object to the permission given, in clause 9, to the Manager of Gurrane Schools to claim the premises

described in Schedule I, as being wholly regardless of the just rights and claims of the Church of Ireland.

I further object to the whole of the property described in Schedule II, being applied under any circumstances to the maintenance of Gurrane National Schools; and I submit that such wholesale handing over of property belonging to my ancestors, who have always been strong upholders of the Protestant religion, to be administered by a school, the manager of which is a Roman Catholic, is manifestly unjust; and that to establish such a precedent would tend to shake all faith, on the part of the public, in the maintenance by public authority of the known wishes of those who devote their property to charitable purposes.

(Signed), G. W. O'NEILL,

Agent, per power of attorney, for
Henry G. Crofton, Esq., Inch-
nappa, Ashford, Co. Wicklow.

May 7, 1891.

IV.—THE SELECT VESTRY OF THE PARISH AND UNION OF MACROOM.

The Select Vestry of Macroom Parish object to the Scheme:—

1. As contrary to the clearly indicated intention of the Testatrix, *Marcia Anastasia Crofton*, that the Endowment left by her should be used for the support of a school conducted on Scriptural principles, and that it is certainly contrary to her will that the Endowment should be used for the support of an entirely Roman Catholic school. This, we submit, is proposed to be done in sections 9 and 10 of Scheme No. 110, as the school contemplated in those sections would be absolutely of no benefit to the Protestant children in the neighbourhood of the Crofton Estate.

2. We are convinced that a mixed Board of Trustees, such as is suggested in Scheme No. 110, would be not only unlikely to work well, but almost certain to lead to endless trouble and difficulty.

3. We submit that the suggestion made in section No. 12 of Scheme No. 110 should be carried out, viz.:—That an equal division of the Crofton School Endowment be made. That one-half be applied in aid of the Roman Catholic school of Gurrane, and the other given in support of the Church of Ireland school at Macroom, which is the only school that is of any benefit to the Protestant children in the neighbourhood of the Crofton Estate, and is in much need of aid.

Signed on behalf of the Select Vestry,

J. QUARRY CONNELLY, Rector.

GEO. FULLER, } Churchwardens.
W. H. SANDER, }

V.—REV. M. ATKIN, Parish Priest of Clondrohid.

As Parish Priest I find myself obliged to make two tangible, and, as I hope, not unreasonable objections to the Draft Scheme of above Endowment, dated March 9th, 1891.

1.—*As to the Constitution of the Governing Body.*

In your circular of June 7th, 1889, it was stated that, in the event of our adopting the first of two alternative schemes then proposed, the majority of the Governing Body should be Roman Catholics.

In the Draft Scheme there are only three Roman Catholics *de jure* to be on the Governing Body.

The three others, with the incumbent, will presumably be Protestants, and so will the fourth to be appointed by the National Board after the death of the existing trustee.

On that assumption we would have *five* Protestant Governors with possibly no Protestant child attending

the schools, and only two Catholic Governors to guard the interests of 300 or 400 children.

The result, I fear, would be to make the scheme quite unworkable.

I would, therefore, respectfully submit that the Roman Catholic Bishop of Clonane and the Parish Priest of Clondrohid for the time being should have the privilege of appointing a successor to Mr. Henry R. Milshear.

2.—*The Appointment of Protestant Assistant Teacher.*

The ten children (Protestant) on whose account the manager would be obliged to appoint a Protestant assistant in the schools, should be *bona fide* parishioners in regular attendance at the schools.

(Signed), MICHAEL ATKIN, P.P.

SCHEME No. 111.—THE PRESTON ENDOWMENT.

(See Evidence, p. 160.)

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| <p>I. "The Commissioners of Education."
 II. Certain Inhabitants of Abbeyfeix assembled in Public Meeting, Lord de Vespi in the chair.
 II. (a.) Commission of Rev. B. T. Dinney, Incumbent of Abbeyfeix.
 III. The Registered Vestrymen of Abbeyfeix.
 III. (a.) Resolutions of Select Vestry.
 III. (b.) Resolutions of Registered Vestrymen.
 III. (c.) Letter of John Loftus Bland, Esq., in reference to above resolutions.</p> | <p>IV. The Protestant Inhabitants of the Town of Mayborough.
 V. The Leighlin Diocesan Council.
 VI. The Parishioners of Stradally.
 VII. The Select Vestry of Montrath.
 VIII. The Select Vestry of Coolbarragh.
 IX. The Select Vestry of Mountmellik.
 X. The Select Vestry of Timahoe and Ternogue.
 XI. The Standing Committee of the General Synod.
 XII. The Residents of Ballyroan and its neighbourhood.</p> |
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I.—"THE COMMISSIONERS OF EDUCATION IN IRELAND."

81 Molesworth Street, Dublin,
 25th day of April, 1891.

SIR,—I am directed by the Commissioners of Education in Ireland to request that you will draw the attention of the Educational Endowments (Ireland) Commissioners, to certain errors in the draft scheme for the above-mentioned endowment, with a view to having same amended when it is issued in a revised form. I, accordingly transmit herewith a copy of the scheme, in which I have pointed out these errors, and have introduced the alterations and corrections that my Commissioners consider necessary.

With regard to the lands of Rockbrook and the Flagg Park, I beg to add the following observations: These lands were in the year 1837 purchased by the Commissioners from Messrs. Guinness and Flood for the respective sums of £1,198 3s. 4d., and £100, subject to a yearly rent of £38 7s. 3d. Now, at that time the Commissioners did not keep separate accounts for the schools of Navan and Ballyroan, but merely one account for the Navan and Ballyroan joint endowment; and it was out of the accumulations of this endowment that the annual sum of £1,198 3s. 4d. and £100 were paid. It follows, therefore, that the lands so purchased do not belong exclusively to Ballyroan; but that they form portion of the Navan and Ballyroan joint endowment; and that the proposed amendments in the schedules in respect thereto become necessary.

It is, however, right that I should mention that

the £38 7s. 3d. rent paid for these lands has always been entered in the accounts of the Commissioners as rent of the Ballyroan schoolhouse, and that since June, 1874, when the Commissioners commenced to keep separate accounts for the two schools, it has been paid entirely by Ballyroan.

There is one more point to which I wish to draw attention. The 3rd section of the Scheme provides that "the school heretofore existing at Ballyroan shall be discontinued, and the buildings and premises hitherto occupied thereby shall be sold, let, or otherwise disposed of by the Commissioners to the best advantage, and the rents, issues, profits and produce thereof shall be held and applied by the Commissioners as part of the Queen's County Endowments." Now, if the buildings and premises referred to be the lands, etc., of Rockbrook and the Flagg Park, it will appear from the preceding remarks that the section will require to be amended, so far, at all events, as it directs the rents, etc., of the lands to be held and applied as part of the Queen's County Endowments. If, on the other hand, the buildings and premises referred to be those described in the second schedule (1) and (2), the entire of the section from the words "and the buildings" to the end should be struck out; as these latter premises have not been in the possession of the Commissioners for a considerable period.

(Signed), JAMES M'DOWELL, Secretary

The Secretary,
 Educational Endowments (Ireland) Commission.

II.—PUBLIC MEETING of certain of the INHABITANTS held in the COURT HOUSE, ABBEYFEIX, on SATURDAY, APRIL 25th, 1891.

The Right Honourable Viscount de Vespi in the Chair.

Clause 2.

Proposed by Lord de Vespi; seconded by Sealy S. Swan, Esq., J.R.

That this meeting approves of the proposal that the Preston Endowment should continue to be vested in the Commissioners of Education, but considers that the Local School Authority for the Queen's County School should have a voice in the selection and election of Commissioners, and hereby submit that Scheme No. 34, p. 2, clause 5, should be amended with this view.

Passed unanimously.

Clause 3.

Proposed by O'Connell Fitzsimon, Esq.; seconded by Mr. James Walsh.

That this meeting approves of the proposal to discontinue the school at Ballyroan and to dispose of the buildings, land, and premises thereto attached to the best advantage. Provided the school be not moved out of the ecclesiastical parish of Abbeyfeix.

Passed unanimously.

Clause 4.

Proposed by Captain Bland, D.L.; seconded by Rev. Henry Paul, M.A.

That this meeting protests against any scheme

for the division of the endowment between two Schools to be established at Abbeylisk and Maryborough on the grounds that as the proportion of the Preston Endowment applicable to the Queen's County does not exceed on an average £250 per annum, a division would only result in the establishment of two inferior schools with no prospect of success. This meeting is strongly of opinion that the proper place for the establishment of the school with an undivided endowment is in, or near the town of Abbeylisk for the following reasons:—First, the district of Ballyroan, for the benefit of which the school was originally founded is in the same Poor Law Union and Petty Sessions district as Abbeylisk, in the same Ecclesiastical Parish, both Protestant and Roman Catholic. The town of Abbeylisk is only three statute miles from the village of Ballyroan. It is the principal market town for the district round Ballyroan, and the principal inhabitants of the district of Ballyroan are unanimously of opinion that if the School should be removed from its present position it should be transferred to Abbeylisk as being the most accessible for children of the district to attend. The town of Abbeylisk has a station on W.K.J.R., thus making the school available by means of the railway for the towns of Maryborough, Durrrow, and Ballyragget. It is also a centre on which converge roads from the towns and villages of Ballyroan, Ballinakill, Attinagh, Durrrow, Ballacolla, Rathdowney, Mountcash, Maryborough, and the districts surrounding them. On the other hand, Maryborough has no claim on the original Endowment, the means of communication are not direct, and there can be no doubt that a school if established at Maryborough would be of no possible use to the inhabitants of Abbeylisk and the district of Ballyroan for whom use the school was primarily founded.

Passed unanimously.

Proposed by Rev. A. C. Webb; seconded by Doctor Stoney.

That the local school authority for the Abbeylisk Endowed School shall consist of seven persons, composed as follows: Three ex-officio, viz., the Viscount de Vesey, for the time being; the Protestant rector and parish priest of the parish of Abbeylisk, or their nominees for the time being; two members, one Protestant and one Roman Catholic, nominated by the representatives of Alderman Preston, subject to the approval of the rector and parish priest; and, in default of their acting, the appointment to revert to the ex-officio members and two members elected triennially by donors to the fund of not less than £10, and by subscribers of not less £1 per

annum, and by parents of children who have paid fees of previous years; but one member so elected shall be Protestant, and one a Roman Catholic. That the three ex-officio members shall have all the power of a full school authority until the others are nominated and elected.

Passed unanimously.

Clause 6.

Proposed by Captain Poe, M.P.; seconded by Mr. E. J. Morrissey.

That a Committee be appointed consisting of—H. C. FitzHerbert, Esq.; Dr. Stoney, O'Connell Fitzsimon, Esq.; E. J. Morrissey, Esq.; S. E. Swan, Esq.; Mr. James McMahon, Mr. James Walsh, Mr. Charles Comerford, with power to add to their number, to collect subscriptions toward meeting the sum of £500 required by the Commissioners for erecting, siting, or furnishing the school, and to report to the Commissioners as to what site or building are available for the purpose of a school.

Passed unanimously.

Clause 9.

Proposed by Allen Leech, Esq.; seconded by Samuel Leigh.

That this meeting approves of Clause No. 9, and recommends that the offer of the Trustees of the late Protestant Friendly Society be accepted, viz., that the sum of £500 be held by the Commissioners of Education for the purpose of providing Scholarships for boys of any Protestant denomination resident in the parishes of Abbeylisk or Durrrow, on condition that there is only one school and that situated at Abbeylisk.

Passed unanimously.

Clause 17.

Proposed by Lord de Vesey; seconded by Mr. Joseph Debb.

That this meeting is of the opinion that, with the exception of the head master as provided for under Clause 5, the other salaried masters may be of any religious denomination.

Amendment proposed by Rev. James Ingh, M.P.; seconded by O'Connell Fitzsimon, Esq.

That this meeting is of opinion that the head master should be Protestant, the second a Roman Catholic, and the remaining (if any) of any religious denomination.

Passed unanimously.

On motion of Captain Bland, seconded by O'Connell Fitzsimon, Esq., a hearty vote of thanks was passed to Lord de Vesey for presiding.

II. (a).—COMMUNICATION OF THE REV. B. T. DINKEY AS TO THE ABOVE RESOLUTIONS.

April 29th, 1881.

SIR,—As I understand that my name has been sent forward to the Commissioners, as forming one of the "local authority" of the school proposed to be established at Abbeylisk, I shall feel obliged by your laying before them my letter to the local paper—the "*Leinster Express*," in which I explain my absence

from the meeting held here on Saturday, and my reasons for declining to act upon the Board of Management, as constituted in the resolution on the subject.

I remain, sir,

Your obedient servant,

BRABAND T. DINKEY.

LETTER referred to in Rev. B. T. DINKEY'S communication.

Vicarage, Abbeylisk,
Ireland, May 28, 1881.

SIR,—I fear from enquiries I have made that my absence from the public meeting held here on Saturday with the object of promoting the formation of a school under the Preston Endowment has been misunderstood in some quarters. I will therefore thank you to insert this letter. I regret that I am quite unable to fill in with the scheme of management proposed in the resolution submitted to the meeting, as I

cannot be a consenting party to the appropriation of a fund left exclusively for the scriptural education of Protestants to a purpose essentially different from that contemplated by the Testator; neither can I acquiesce in the principle of mixed management.

I remain, faithfully yours,

BRABAND T. DINKEY.

To the Editor of the
"*Leinster Express*."

III.—THE REGISTERED VESTRYMEN OF ABBEYLEIX.

We, the Registered Vestrymen of the Union of Abbeyleix and Ballyroan, in Vestry assembled, respectfully approach the Educational Endowments Commission.

We desire to press upon their attention the terms of the Will of the late Alderman Preston. We submit that the intentions of the Benefactor are therein clearly and explicitly conveyed. That the Endowment was designed to be placed under exclusively Protestant management, and for "such pious uses" as should prevent its being secularised in principle.

We therefore pray the Commissioners to place the Endowment under the control of that Church of which the donor was a member.

We would gladly afford every facility to our Roman Catholic neighbours to share (as we understand they did in years past) the secular education provided by

the school; and we consider that the "conscience clause" embodied in section 14 of the Draft Scheme affords a sufficient safeguard against any interference with their religious belief.

We urge that the first meeting held to consider this question (at Ballyroan, on July 28, 1889) was not sufficiently notified; that the Incumbent of the parish knew nothing of its being in contemplation, nor of its having been held until he saw a report of the proceeding in public papers. This accounts for the fact that "this view was not pressed" at that public sitting.—(See letter of the Commissioners to Rev. R. T. Disney, dated June 8, 1888, and his reply.)

We beg to lay the subjoined resolutions before the Commissioners, trusting that our representations will receive favourable consideration; and further, that the school, when re-organised, may not be removed from our parish.

IIIa.—RESOLUTIONS of the SELECT VESTRY of ABBEYLEIX, passed at a SPECIAL MEETING, held MONDAY, 4th MAY, 1891.

Rev. R. T. Disney, M.A., in chair.

Present.—Wm. T. Poe, Esq.; Col. Campbell, Thomas Hartford, Doctor Stoney, E. W. Burke, Geo. Brandon, Wm. Tomlinson, John Mullen, Saml. Leigh.

Ballyroan Endowment Scheme.

Rev. R. T. Disney's proposals were proposed by Thomas Hartford; seconded by William Tomlinson—

1. That the said Endowment should not be divided.

2. That the said school should not be removed from Ballyroan unless it be transferred to Abbeyleix, a more populous and convenient centre in same district.

3. That the Constitution of the School Authority for the Management of the said School should distinctly recognise the objects and the intentions of the original founder, while at same time providing a means and leaving open the opportunity to every class and creed of obtaining the advantages of superior education.

We therefore recommend that the local school authority shall consist of seven persons, viz:—

Three *ex-officio*.

The Lord Bishop of Diocese for the time being or his representative.

The Vicar of the Parish for the time being or his representative.

The Incumbent of the Parish of Abbeyleix for the time being or his representative.

Two members nominated by the representatives of Alderman Preston, and in default of their acting, the appointment to revert to the *ex-officio* members.

Two members elected by donors to the fund of not less than £10, or by subscribers of not less than £1.

That the three *ex-officio* members shall have all the power of a full school authority until the others are nominated and elected.

Provided always that the qualifications for all members of the school authority shall be the same as those set forth in the declaration of registered vestrymen of the Church of Ireland with the exception of two of those elected by the *ex-officio* members who

may be Members of the Presbyterian or Methodist denominations.

That in all other respects the draft scheme as published be approved of.

Amendment proposed by E. W. Burke; seconded by Dr. Stoney.

That the constitution of the school authority for management of the said school while providing a means and leaving open to every class and creed the advantages of superior education, should distinctly recognise the Protestant nature of the original endowment. We therefore recommend the school authority consist of: The Vicar of the Parish for the time being, or his representative, three members of the Church of Ireland, one member of Nonconformist Church, and two members of the Roman Catholic Church; one Church of Ireland, one Nonconformist, and one Roman Catholic member to be elected triennially by donors of £10, annual subscribers of not less than three years of £1, and parents of children attending the schools who have paid one year's fee. The remaining members to be nominated by the respective local Church authorities.

Voted for Amendment.

Doctor Stoney, E. W. Burke, George Brandon, Samuel Leigh.

Voted against Amendment.

Wm. T. Poe, Colonel Campbell, Wm. Tomlinson, John Mullen, Thomas Hartford.

Mr. Disney put the original motion and declared it carried.

No vote being taken.

Present at time.—Thomas Hartford, William Tomlinson, John Mullen, Samuel Leigh.

(Signed), RICHARD T. DISNEY, Chairman.
SAMUEL LEIGH, Hon. Secretary.

May 5th, 1891.

III. (b).—RESOLUTIONS passed at a MEETING of the REGISTERED VESTRYMEN, held on TUESDAY, MAY 5th, 1891.

Rev. B. T. Disney, M.A., in the chair.

Present.—Captain Bland, H. W. Palmer, J.P.; E. W. Burke, Joseph Dobbs, John Waldron, junior; Colonel Campbell, C.B.; Thomas Hartford, Wm. Tomlinson, Thomas W. Baldwin, Thomas Smyth, Richard Gillespie, Andrew Galbraith, Alfred Brandon, — Reade, Samuel Leigh.

The Chairman moved the adoption of the resolution passed at the Select Vestry, held May 4th.

Amendment.—Proposed by Capt. Bland, seconded by E. W. Burke:—"We are therefore willing to accept a School under the management of a mixed Board, but respectfully submit that the Church of Ireland is entitled to a majority of the members thereof, and that the non-conformists should have at least one representation."

Amendment lost by 10 to 6.

The Chairman's motion adopted by 11 to 6.

SAMUEL LEIGH, Hon. Secretary.

III. (a).—LETTER from JOHN LOFTUS BLAND in reference to the above RESOLUTIONS.

May 24th, 1891.

SIR,—As I understand the Commissioners are open to receive any communications upon the subject of the Preston Endowed School at Ballyroan up to the 5th inst., I venture to address them, as the sole representative of the Protestant tenants on the late Preston estate, at Duany, Ballyroan (held under the Ashbourne Act in 1890), whom it is naturally to be supposed the late Alderman Preston, who endowed the school in the first instance, wished to benefit, and to enter my protest against the resolution of the general vestry of the United Parishes of Abbeylisk and Ballyroan, held on Tuesday last, the 5th inst., and carried by a majority (11 to 6) in a meeting of less than a score of members, out of a total of 165 registered vestrymen—to the effect that the governing body of the future Endowed School should be entirely composed of Protestants and declining to the Roman Catholics any members on that body (notwithstanding the resolutions carried at the large and representative meeting held at Abbeylisk Courthouse on Saturday, the 25th April last) on the grounds that Alderman Preston in his will, dated 1686, intended the school for the sole use of members of the Protestant faith. Now, I contend that after the lapse of 200 years, it is most difficult to divine the intentions of the testator, beyond the words stated in the preamble to his will, in which he states that it is "for the better promoting, supporting, and maintaining of the Protestant religion,

and for the better breeding and training up of youth in the fear and knowledge of God," and I would suggest, that by these words he meant that Roman Catholics should be educated at the school he intended to endow; especially as in the latter parts he does not state Protestant youth to be trained, but merely youth, and thus by a higher education enlighten the minds of both creeds. Further, it has always been the custom of Roman Catholics to attend this school in some small proportion when under no control; that it is much to be doubted that if the governing body be exclusively Protestants, Roman Catholic parents in these days would permit their children to be educated where they had no voice in the control, and unless the school be taken advantage of by all creeds, whenever it be situated, either Maryborough or Abbeylisk, it must turn out a failure in the future, as it has in the past.

In conclusion, with respect to the future site of the school (if it be removed from Ballyroan), as a tenant on the late estate and an inhabitant of the district of Ballyroan, I would urge that Abbeylisk would be the more convenient site for the late tenants and the Ballyroan people, as Maryborough would be too far distant for the school to be of any benefit to day pupils.

(Signed), JOHN LOFTUS BLAND.

The Secretary,
Educational Endowments Commission.

IV.—THE PROTESTANT INHABITANTS of the TOWN of MARYBOROUGH and surrounding district.

"The objectors" urge most earnestly that the entire Endowment should be granted to one school to be established at Maryborough, it being not only the county town but one of the most rising towns in the Queen's county. Its population at the Census of 1881 was 2,872, while that of Abbeylisk was 1,101, while in next Census there is no doubt whatever but that its population will be found to have considerably increased and to have increased much more in proportion than Abbeylisk within the same time.

Maryborough, moreover, contains a large middle class population for whom such a school is especially needed, and by whom it would undoubtedly be largely availed of. It is often impossible for such a class to bear the expense of sending their children to boarding schools with the result that their education is neglected.

Maryborough is also one of the most important junctions on the Great Southern and Western Railway in consequence of the Waterford and Central Ireland line now running through it to Mountmellick, thus bringing it into immediate connexion with the latter and Portadown (which with Maryborough are the three largest towns in the county) as well as the

smaller towns of Abbeylisk and Mountmellick, while Straffordly is only five miles distant by road. It would in our judgment be very injudicious if not disastrous to attempt establishing two competing schools so near each other as Abbeylisk and Maryborough, joined as these two towns are by a direct line of rail, and would in all probability render both inefficient.

Lastly, the entire endowment is not more than sufficient to carry into effect the various objects contemplated in clauses 8 and 13 of the Draft Scheme, and to establish a really efficient boys and girls school, for the latter of which there is also much need at Maryborough.

"The objectors" object to clause 5 of said scheme, and most strenuously contend that having regard to the wishes of the donor of the Endowment as plainly expressed in indentures of 5th and 6th July, 1686, respectively, and with a view to the due and certain fulfilment thereof, "the Local School authority" referred to in said scheme should, in respect to the founder's intentions, be exclusively Protestant, and the following persons are proposed for the purpose:—

Ex-officio.

President, the Lord Bishop of Ossory; Vice-Presidents, the Methodist Chairman of district, the Rector of Maryborough, the Methodist Minister of Maryborough, the Methodist Circuit Steward, the Methodist Chapel Steward, the Presbyterian Minister of Mountmellick.

Ordinary.

Vincent De Venci, Abbeyfeix; Colonel Robert G. Cosby, Stradbally; Thomas Korman, Esq., Shanon, Maryborough; Rev. Joseph Torrens, Coolmanagher, Portarlington; Mathew S. Owsen, Esq., Sheffield, Maryborough; Horace Turpin, Esq., Maryborough; Robert M. Smith, Mountmellick; and that, in accordance with the expressed will of the Founder, the Head Master of the school and all other Masters shall be Protestant.

5. The objects suggest the insertion of the following clause in the Scheme, viz. :—

"Whenever any ordinary member of the 'Local School Authority' shall die or resign in writing under his hand or become bankrupt, or refuse to act or become incapable of acting, and as soon as conveniently may be, after the happening of any such event, the remaining members of

said authority shall appoint a duly qualified person to fill the post of the member so dying, resigning, becoming bankrupt, or refusing to act or being incapable of acting."

4. The objects urge that it is most desirable that clause 6 of the draft Scheme should be amended so as to read—

"That the Local School Authority for Maryborough shall be entitled to receive from the Commissioners a sum of £1,000 for the purpose of establishing and fitting up an Intermediate School under this Scheme, on condition that a sum of £1,000 is provided by the 'Local School Authority' for the like purpose, and that the said school do receive the whole of the Queen's County Endowment as defined in the schedules to said Scheme for the better carrying out of the Trusts thereof, and that the 'Local School Authority' be further empowered to pay a rent not exceeding £20 per annum, if necessary, for a suitable site for said School as or near the Town of Maryborough."

Dated this 5th May, 1891.

EDMUND L. RYAN,
D. B. JACOB, M.D.,
RICHARD F. O'LEUM,
HORACE TURPIN,
JOHN H. ATKINSON,
JOHN D. ROWE,

Committee duly appointed to draw up objections to the Draft Scheme on behalf of Protestants of Maryborough and surrounding district.

V.—RESOLUTIONS passed by LEIGHLIN DIOCESAN COUNCIL on the 24th day of April, 1891.

"That this Council is of opinion that the Draft Scheme dealing with the Preston Endowment for the Ballyroun School, published on the 9th of March, 1891, is objectionable, because it provides for the establishment of two Schools and the division of the Endowment.

"The Council is of opinion that the interests of intermediate education in the district that would be secured by a school situated at some spot, well selected with regard to the means of daily communication with the neighbouring towns of Maryborough, Abbeyfeix, Mountmellick, and Portarlington, will be best forwarded by applying the whole of the Endowment to the support of that School, and that the education of girls as proposed by the Scheme could not be provided for, unless the whole of the Endowment is devoted to one School.

"We consider that the place best suited for establishing such a School is Maryborough."

2. "That in the opinion of this Council the Governing Body of the School shall, in accordance with the expressed conditions of Alderman Preston's will, be exclusively Protestant."

3. "That the first members of the Governing Body should be:—

Ex-officio.

"The Bishop of Leighlin, Ossory, and Ferns.
"The Dean of Leighlin.
"The Archbishop of Leighlin.
"Representative of Alderman Preston.
"Superintendent Wesleyan Minister.
"Presbyterian Minister.

Representatives.

"Three Clerical Members elected by Diocesan Council of Leighlin.
"One Clerical Member by Council of Kildare.
"Five Lay Members elected by Leighlin Diocesan Council.
"One Lay Member by Council of Kildare.
"Two co-opted Lay Members."

J. STEWART HICKET, Secretary.

April 27th, 1891.

VI. RESOLUTIONS passed at a MEETING of PARISHIONERS OF STRADBALLY PARISH, held MAY 7th, 1891.

I. Proposed by Henry Bond, seconded by S. F. Turpin—

"That while we are willing that all denominations should be allowed to share in the educational benefits to be conferred by the above endowment, we most strongly protest against a purely Protestant endowment, as this is, being managed by a local mixed Board, composed of Protestants and Roman Catholics.

II. Proposed by A. Greenham, seconded by W. H. Corbett—

"That we consider Maryborough the most suitable locality for the establishment of the proposed new school on account of its importance and central position, being connected by railroad with all the important towns of the Queen's Co.

III. Proposed by John Thompson, seconded by Rev. W. T. Gorman—

"That these resolutions be forwarded to W. E. Ellis, Esq., Secretary to Educational Endowments (Ireland) Commission.

Signed, ROBERT ARMSTRONG, Clerk,
D.D., Rector, Chairman.

WM. PERCIVAL, M.D.,
Stradbally.

ROBERT COOKE, J.P., D.C.,
Stradbally Hall.

ALLEN WATSON, Esq.,
Ballykilcavan.

VII.—RESOLUTIONS passed at a SELECT VESTRY MEETING held in the Vestry Room of St. Peter's Church, Mountesth, on WEDNESDAY, MAY 6th, 1891.

Resolved—That having considered the Draft Scheme for the management of the Preston Endowments, so far as it refers to the Ballyroan School, we, the Select Vestry, representing the Parish of Clonsnagh, containing upwards of 900 members of the Church of Ireland, are of opinion—

I. That the Ballyroan School should be discontinued as utterly useless.

II. That the entire of the Queen's Co. portion of the Preston Endowments should be devoted to the maintenance of one thoroughly efficient school for the promotion of intermediate and technical education, the advantages of which should be open to both boys and girls.

III. That this school should be located at or near Maryborough, as being, from its position as county town, from the facility of communication by rail with this and the other surrounding parishes, as well as from the certainty of a larger supply of pupils to such

a school from the immediate neighbourhood—very much the most suitable and convenient situation.

IV. That this essentially Protestant Endowment should be managed by an exclusively Protestant Local School Authority, with a view to its efficient working, as well as with a view to the carrying out, as far as possible, the intentions of the Founder—as in our opinion, a mixed Local School Authority would render the scheme remarkable.

V. That a copy of these resolutions be forwarded by the Chairman to the Educational Endowments Commissioners, Dublin.

Passed *secc. con.*

J. WHITE FISHER, Clerk, Canon,
Chairman.

Mountesth,
May 6, 1891.

VIII.—RESOLUTIONS passed at a MEETING of the SELECT VESTRY of the PARISH of COOLBANAGHER, in the QUEEN'S COUNTY, held on the 8th MAY, 1891.

1. That we desire to express our conviction that Maryborough, being the county town and easily accessible from all parts of the Queen's County, is decidedly the most convenient centre for a high-class school; and we earnestly trust that the Ballyroan Endowment may be made available for the maintenance of one school in the Queen's County, to be situated in the county town, and managed by such local authority as is in accordance with the Will of the late Alderman John Preston.

2. That a copy of this resolution be forwarded to the Endowed Schools Commission.

The foregoing resolutions were passed at a meeting of the Select Vestry of the Parish of Coolbanagher, held this day.

JOSEPH TORRONS, Clerk, Chairman.

Coolbanagher, 8th May, 1891.

IX.—RESOLUTIONS passed at a MEETING of the SELECT VESTRY of MOUNTMELLICK, held MAY 8th, 1891.

Proposed by R. M. Smith, seconded by T. Mayler:—That we, the Select Vestry of Mountmellick Parish, thoroughly disapprove of the Endowment left by Alderman Preston for the better promoting and maintaining of the Protestant religion passing into the hands of a mixed School Authority composed of Roman Catholics and Protestants, and that we consider

Maryborough, being the county Town, and being more central than Abbeyfeix, is the best position for the School.

(Signed,) Wm. J. WALLACE, Clerk,
Rector of Mountmellick.

The Secretary,
Educational Endowments Commission.

X.—THE SELECT VESTRY of TIMAHOE and TERNOGUE

8th May, 1891.

The Select Vestry of the Union of Timahoe and Ternogue strongly protest against the removal of the school at Ballyroan from under Protestant patronage,

and placing it under a mixed government of Protestants and Roman Catholics.

Signed on behalf of Vestry,
E. D. BRANDON, Clerk,
Timahoe Rectory, Abbeyfeix.

W. S. FISHER, Hon. Sec.,
Ternogue House, Stradbally, Queen's Co.
2 L 2

XL.—STANDING COMMITTEE of the GENERAL SYNOD of the CHURCH of IRELAND.

The Standing Committee of the General Synod of the Church of Ireland object to the above scheme.

First, upon the grounds that the scheme, with respect alike to the constitution of the Governing Body and its educational provisions, has not been framed with due regard to the spirit of the founder's intentions, as provided by the Educational Endowments (Ireland) Act, 1835.

The expressed intention of the Founder is the better promoting, supporting, and maintaining of the Protestant Religion, for which no provision is made by the scheme, either in the constitution of the Governing Body, or in the staff of the proposed schools, or in the course of education therein.

Secondly, upon the ground that the provisions of this scheme do not seem to be so framed as to secure the establishment of an efficient school either at Maryborough or Abbeyleix, the constitution of the Governing Body, on whom so much of the efficiency of the school must depend, being quite undefined; and the vagueness of the provisions as to the main-

tenance of the two schools making it impracticable to form any true judgment as to the adequacy of the proposals contained in the scheme.

With a view to giving effect to the Founder's desire to support, promote, and maintain the Protestant Religion, the Standing Committee submit:—

1. That in defining the constitution of the Governing Body it should be provided that all the Governors must be Protestants.

2. That all the Masters should be Protestants.

They are further of opinion, in accordance with the resolutions passed by the Council of the Diocese of Leighlin, that the objects of the Founder would be best carried out by the establishment of a single school, which should be located in Maryborough.

H. KENNEDY MOORE,

Hon. Sec. of the Education Sub-Committee of the Standing Committee of the General Synod.

May 8th, 1891.

XII.—THE RESIDENTS of BALLYROAN and its NEIGHBOURHOOD.

We, the undersigned residents in, or in the neighbourhood of, Ballyroan, in the Queen's Co., Ireland, do hereby protest against the Draft Scheme which has been issued by the Commissioners of Educational Endowments under which the school endowed especially for the immediate benefit of residents in Ballyroan is to be removed from that district.

We assert that the failure of the school in the past is not justly to be attributed to the non-existence of boys resident in the district and seeking education; but has arisen from other causes in connection with the working of the school which were not brought out in evidence at the enquiry, but of which clear proof can be adduced if necessary; and that even now, notwithstanding its uncertain future, the school would be well supported.

We assert that the present position of the school in the country is far more suitable on grounds sanitary

and recreative, than a position in any country town, and would respectfully point out that the contemplated removal is in direct opposition to the distinct wishes of the founder, and that interference with endowments have been at all times entered into having regard to such expressed wishes.

Finally, we protest against any division of the endowment, believing that if two schools are founded neither of them can obtain that full support without which a high class and successful school can hardly be expected to result.

THOMAS MONAGHAN, *et c.*, Ballyroan.

EDWARD MURPHY, *L.K.Q.C.B.L.*, *et c.*, Ballyroan.

JAMES MACMADON, *P.L.C.*, Ballyroan.

And 37 other signatures.

SCHEME No. 113.—THE URITH PAUL ENDOWMENT.

I.—FERNS DIOCESAN COUNCIL.

Ferns Diocesan Council,

Ballyvaughan, Gorey,

June 10, 1891.

DEAR SIR,—I am directed to enclose you the following resolutions of Council in reference to the above Scheme, passed at the quarterly meeting held June 9, 1891:—

"The Council having carefully considered this Scheme, beg to draw the attention of the Commissioners to the following facts:—

"(1.) By the codicil to the will of Urith Paul, dated July 28, 1810, the master and mistress of the Stokestown School should be Protestants, 'The Holy Scriptures should be taught in said School,' and the old people relieved should be Protestants also.

"(2.) By the codicil, dated May 10, 1811, it was appointed that as objects of charity 'Protestants if equally deserving' should be preferred, and any surplus from income of charity fund should be applied towards binding out Protestant children from the Stokestown School to Protestant Masters and Mistresses.

"(3.) By the codicil, dated August 9, 1811, the Testator willed that the 'surplus of her sister's fortune' should be 'appropriated towards the apprenticing of Protestant children out of the said

school at Stokestown, but in case deserving children should not be found there, resort should be had to the Ross Poor School,' and only in case 'there should not be Protestants in either school then any other deserving children should be chosen.'

The Council, however, are surprised to find that in the Scheme now proposed by the Commission this essentially Protestant character of the Endowment, so clearly indicated by the Testator, has been entirely disregarded, and that the benefits of same are to be converted to the use of all the National schools in the school district, and in the county of Wexford to the exclusion of Protestant schools of the school district, and they respectfully suggest that the Scheme should be revised, so as to carry out as far as possible the objects of the several bequests, and confine them to such schools as are in connection with the Board of Education, or otherwise clearly of a Protestant character.

I think I will be in a position to offer some suggestions as to the alterations the Council would wish made in the wording of the Scheme very shortly, but I do not like to delay sending up their formal objections.

I may also add that the subject was very fully discussed at the meeting.

(Signed),

JOHN C. POWERS,

Diocesan Secretary.

II.—THE DIOCESAN SYNOD OF FERNS.

Copy of resolution passed unanimously by the Synod, August 6th, 1891:—

"That this Synod approves and adopts the resolution of Council in respect of the Urith Paul Endowment Scheme, and authorizes the Council to take such

further steps or make such further suggestions on behalf of the Synod as it may deem advisable.

"JOHN C. FOUNDER,

"Diocesan Secretary."

III.—FERNS DIOCESAN BOARD OF EDUCATION.

Mulmashin Rectory, Wexford,
23rd June, 1891.

DEAR SIR,—At a meeting of the Ferns Diocesan Board of Education, held on the 9th inst., the following resolution was passed, and I am requested to send a copy of it to you:—

"The Ferns Diocesan Board of Education, having read the draft scheme prepared for the future government and management of the Urith Paul Endowment,

are surprised to find that the Protestant character of the endowment is wholly overlooked in the proposed scheme, and respectfully suggest that the Commissioners should make such alterations in said scheme as shall secure the Protestant character of the endowment."

(Signed), JOHN ALEXANDER,

Hon. Secretary.

IV.—AMENDMENTS suggested by the FERNS DIOCESAN COUNCIL.

Sec. 1, par. 6, and sec. 3.—That "The owner of the Deane Drake estate," and his deputy, should be "members of the Church of Ireland."

Sec. 3, par. 2.—That the Archdeacon of Ferns and the Incumbent of Whitechurch should be *ex-officio* governors.

Secs. 9 (1), 10 (a.) and 10 (c.), 13.—Amendments making instruction in the Holy Scriptures the primary object of the application of the Endowments.

Sec. 10 (b.).—Amendment striking out the provision that schools to be visited by special teachers shall be in connection with the Commissioners of National Education.

Sec. 10.—New clause, 10 (f) suggested. "No school to get the benefit of this Scheme unless provision be made therein for the teaching of Holy

Scripture, in accordance with the will of Urith Paul, at such hour as will not interfere with the course of general instruction given in the school, and to such children only as those whose parents do not object to such instruction being given."

Sec. 11 (a).—Amendment providing that an Exhibition candidate may make his qualifying attendance at a school in connection with the Ferns Diocesan Board of Education or other primary school.

Sec. 12.—Power should be given to the owner of the Deane Drake estate to nominate twelve instead of four Exhibition candidates.

Sec. 21.—Amendment providing for the recognition of the Inspector of the Ferns Diocesan Board of Education as the Inspector under the Act.

V.—OBJECTION of JOSEPH WILLIAM DEANE, WILLIAM GLASCOCK, and EMILY LETITIA DEANE-DRAKE, all of the existing Trustees, and of JOSEPH EDWARD DEANE-DRAKE, Owner of the Deane-Drake Estate.

The said JOSEPH WILLIAM DEANE, WILLIAM GLASCOCK, EMILY LETITIA DEANE-DRAKE, and JOSEPH EDWARD DEANE-DRAKE object to the draft:—

1. Because it alters the Governing Body of the endowment, so far as regards its non-educational purposes, although the income applicable to such purposes is £108, and the income applicable to educational purposes is under £70.

2. Because the spirit of the intentions of Mrs. Urith Paul, the founder of the Charity, has not been regarded in several respects, especially:—

(a.) In constituting the Incumbent of New Ross a Governor, and including that parish in the school district, the charity being destined by the founder for the parish of Whitechurch, in which her sister and brother were buried, and her property was situate, and whence the money came.

(b.) In giving to the Governors of John Ivory's

School, New Ross, the power of electing a Governor, and in giving a similar power to the Commissioners of National Education.

(c.) In not providing for the reading and teaching of the Holy Scriptures, and otherwise altering the nature of the education prescribed by the founder.

(d.) In giving Exhibitions to candidates not educated at Stocktown or Ross Poor School, nor resident in Whitechurch parish.

(e.) In authorizing a sale of the school-house which was built by the Testatrix as a perpetual memorial of John Drake, and should be so maintained and provisions made for repairs.

(f.) In not confining the apprentices fees to Protestants.

T. T. L. OVERSEA,

Solicitor for Objectors,

12, Ely-place.

VI.—THE INCUMBENT OF WHITECHURCH.

The Rectory,
Whitechurch,
New Ross,
June, 1891.

Sir,—As the incumbent of the parish of Whitechurch, in which all the Dean-Drake property is

situated, I write to say that I think the Incumbents of Whitechurch, New Ross, ought to be ex-officio trustees of the Urith Paul Endowment.

(Signed), P. S. WELDON, Clerk.
Incumbent of Whitechurch, Diocese
of Ferns, Co. Wexford.

SCHEME No. 121.—THE GENERAL ORPHAN HOME.

(See Evidence, pp. 140-152).

I.—Rev. S. G. COTTON.

I hereby appeal from the proposed plan for the future working of the funds belonging to this Institution, and suggest as an amendment that the Commissioners, acting as Trustees, should, before distributing those funds, pay any fair and legal debts

incurred in the management of the Institution and maintenance of the pupils thereof.

Dated this 17th June, 1891.

S. G. COTTON, Rector and Vicar of
Caragh, Naas.

II.—Rev. S. G. COTTON.

I object to the Draft Scheme, because it ignores the fact of the rescue from starvation of the boys in the Home by me and the Committee of Caragh Orphanage and does not recommend the payment of the fair and reasonable expenditure in the maintenance of two of them.

brought up as Presbyterians, but were all educated as members of the Church of Ireland.

I object to the Rev. Robert Walsh, M.D., being selected as one of the first Trustees to represent both the Diocesan Council and the Protestant Orphan Refuge Society.

S. G. COTTON, Rector and Vicar,
Manager of Caragh Orphanage.

The Secretary,
Educational Endowments Commission.

III.—RESOLUTION passed by COMMITTEE of the PROTESTANT ORPHAN REFUGE SOCIETY at their meeting on June 17th, 1891.

Resolved—"That in the opinion of the Committee the proposed machinery for carrying out Draft Scheme No. 121, the General Orphan Home Endowment, is unnecessarily complicated, and could be greatly simplified without in the least affecting the efficient carrying out of its main objects. That the Honorary

Secretaries of this Society be requested to represent this Committee at a future meeting of the Educational Endowment Commissioners to hear objections.

"Signed, H. CARRUTON, Chairman.

"17th June, 1891."

IV.—THE PROTESTANT ORPHAN SOCIETY, Offices, 17, Upper Sackville-street, Dublin.

This Society objects to this Draft Scheme, first published on the 30th day of May, 1891.

Because it having been founded now over fifty years for the maintenance and education of destitute children of Protestant parents, which object it has carried out to the present time. Over 2,500 children having been provided for, and there being now 214 under its care, is equally entitled, with St. Peter's Schools, Dublin, the Protestant Orphan Refuge

Society, and the Presbyterian Orphan Society, to a share of the endowments to be administered under said Scheme.

Said Society is supported solely by voluntary subscriptions.

JOHN H. NUNN,
Solicitor for the Protestant Orphan
Society,
6, Dawson-street.

29th July, 1891.

V.—THE PRESBYTERIAN ORPHAN SOCIETY.

DEAR SIR,—In the above Scheme the words "The Presbyterian Orphan Society" should in all cases be "The Governors of the Presbyterian Orphan Society," and the word "constituted," in last line of clause 1, should be "incorporated." As the Scheme now stands, whenever any vacancy occurred in the Trustees, a meeting of the entire Society would have to be called

by special advertisement. The alteration desired is, therefore, most necessary. The following words might be added to clause 4:—"The acts of the Trustees shall be valid, notwithstanding the existence of any vacancy in their number."

(Signed), WM. BROWN, Assist. Sec.

VI.—REV. ROBERT WALSH, D.D., DONEYBROOK.

DEAR SIR,—I beg to urge as a personal objection to Scheme No. 191, that my name appears twice as Trustee. I think this undesirable. I would venture to suggest, that should the Commissioners finally decide on the appointment of Trustees in manner

proposed, I should prefer to represent the Protestant Orphan Refuge Society.

(Signed), ROBERT WALSH.

19th June, 1891.

VII.—LETTER TO COMMISSIONERS OF CHARITABLE DONATIONS AND BEQUESTS.

Educational Endowments (Ireland) Commission,
23, Nassau-street,

Dublin, June 24, 1891.

GENTLEMEN,—I am directed to invite the attention of your Commissioners to the Scheme for the future government and management of the above Endowments herewith enclosed.

These Endowments are at present inoperative, and the Scheme has been prepared in pursuance of a communication from your Board.

You will observe that the property consists of three houses in the immediate neighbourhood of the Bertrand Estate already under the management of your Board, and of certain Government Stock already vested in your Board.

My Commissioners have reason to hope that the proposed division of the Endowments will lead to their efficient use by already established institutions, and will be accepted as entirely satisfactory by those interested.

It appears to be unnecessary to incorporate a body

simply to distribute the property, and it is proposed in the Scheme to take this course, merely because my Commissioners understood that your Board was unwilling to accept property in land.

I am directed to ask whether, considering the simple character, the small nature, and the other circumstances of this house property, your Commissioners would allow it to be vested in them, with power to sell the proceeds in securities thought suitable by your Board.

If your Board will allow this course to be taken, my Commissioners would propose to simplify the Draft Scheme by making it simply a Scheme for the distribution of the annual income of the Endowments, among the institutions entitled to share its benefits, through your Board, in accordance with their usual practice.

(Signed), N. D. MURPHY,
Assistant Secretary

The Secretaries,
Commissioners of Charitable
Donations and Bequests.

VIII.—REPLY TO VII.

Commissioners of Charitable Donations
and Bequests for Ireland,

2, Kildare-place, Dublin,

2nd day of July, 1891.

DEAR SIR,—I laid before the Board, at its meeting yesterday, your letter of 24th ult. herein, in which, on the part of your Board, you inquire if my Commissioners would allow the portion of this Charity which consists of houses to be vested in them, with power to sell the interest and invest the proceeds in suitable securities.

In reply I am directed to state that my Commissioners will be most willing to assist the Commissioners of Educational Endowments in framing such a Scheme as will simplify the future administration of this small Charity, but they have directed me to point out that the houses referred to are at present vested in Mr. John F. Seaver as a trustee, and to suggest for the consideration of the Commissioners of Educational Endowments whether it would not be practicable for the Draft Scheme to be so framed as that a sale could be effected through the instrumentality of that gentleman. If, however, the Commissioners of

Educational Endowments shall come to the conclusion that the object which they have in view cannot be accomplished by the mode suggested, in that case my Commissioners will willingly comply with the request made by the Commissioners of Educational Endowments, provided the latter are satisfied that by virtue of their statutory powers an unimpeachable title can be made to a purchaser. In reference to the existence of a trustee of the house, please refer your Commissioners to the evidence which I gave on the occasion of their public inquiry into this endowment, and I may state for their information that the original Deed

of Conveyance from the executors of Rev. THOMAS Scott to Mr. John P. Beaver, dated 3rd January, 1835, is in this office, and may be inspected at any time.

I beg to apprise you that this Board will only hold two more meetings before the Long Vacation, viz. — On the 8th and 15th inst.

I am, sir,
Faithfully yours,
W. GIBSON, Secretary

The Secretary,
Educational Endowments Commission.

SCHEME No. 132.—JOHN SHARP'S ENDOWMENT.

(See Evidence, pp. 59–97.)

I.—THE SELECT VESTRY of the PARISH of RAMOAN.

DEAR SIR,—I am directed by the Select Vestry of Ramoan Parish to say that they are prepared, should the Commissioners still insist on their paying the whole amount of £20, mentioned in the Scheme published in connection with the above charity, to pay the said sum, and they request the Commissioners to inform them to whom they are to pay it.

The Select Vestry, however, wish to draw the attention of the Commissioners to the fact that, although at the Easter Vestry of 1854 it was proposed that a sum of £20 should be

levied for the building of a school, at the Easter Vestry of 1855 the sum of £8 19s. 8d. only was paid to the rector as the amount levied for the building of the school. As there is no mention of any further sum being received on account of said levy, the Select Vestry trust that the Commissioners will reduce the sum to be paid by them to the said £8 19s. 8d., instead of the £20 mentioned in the Scheme.

(Signed), THOMAS COX,
Rector of Ramoan.

II.—OBJECTION of the PRESBYTERIANS of the PARISH of RAMOAN.

Disposal of the Old Schoolhouse at Ramoan.

1. I object to the price put upon this old schoolhouse as being entirely inadequate.

A rood of ground in perpetuity, free of rent, without any house on it, would bring £10 in the same place. The occupying tenants of the glebe land, beside this old schoolhouse, paid £40 an acre for the fee-simple, and their interest in it before purchasing the fee-simple would probably have been valued at the same price. Within the last few weeks I agreed with the agent of the Boyd estate to pay £2 a year for half an acre of land, which he agreed to accept, for a burying ground for the Presbyterian Church, and the occupying tenant refused to take less than £40 for the tenant-right. So that your Draft Scheme proposes to charge the Incumbent of Ramoan Parish the usual price for the rood of ground, and to make him a present of the schoolhouse built on it.

Mr. Young, builder and contractor, whom Dr. Traill mentioned to me as a competent person to be appointed by your Commission to value this building and site, valued it at upwards of £50. I spoke to him a few days ago, and he says the material of the house alone is worth more than £20 to pull it down and cart it away.

Your Draft Scheme seems to indicate that the Incumbent has a claim against the schoolhouse for repairs. I cannot admit the claim. One of the conditions to the receipt of Sharp's money was that the schoolhouse should be "kept up and in thorough good repair."

Besides, Mr. McAllister, one of the witnesses examined at the inquiry in Ballycastle, a former teacher in this school, testified that he collected money to make repairs upon it, the bulk of which he got from

Presbyterians, and any repairs made by the Incumbent were paid for by money contributed by both Episcopalians and Presbyterians. So that I cannot admit that he has any claim on the ground of repairs, or that he should get it at anything less than its full value on that account.

Your finding is that it was built by "parochial assessment." In his letter of November 3rd, 1850, Mr. Cox admits that the sum of £13 of the Sharp money was used to assist in its erection. The evidence is that it has been kept in repair by money contributed by both Episcopalians and Presbyterians. I offered £50 for it and I now renew that offer.

Non-Educational Endowments.

2. I object to the whole of the present recipients having a life interest as proposed in Draft Scheme.

It is evident that the testator intended his money to be shared by Presbyterians equally with Episcopalians. This is implied throughout the Draft Scheme. All the present recipients are Episcopalians, and that the great majority for many years have been of that persuasion is very probable. Clearly this trust of the will has been, and is being, grossly violated, and yet your proposal is, not to rectify this abuse at once, but to continue it for the lifetime of half of the present recipients.

I ask that half of this portion of the Endowment shall be paid to me from the date of this Scheme to be paid to five poor Presbyterian housekeepers in sums not exceeding 10s. and not less than 5s.

Educational Endowments.

3. I object to the proposed application of these.

The testator stipulated that the teacher who received his money should be appointed, and that the poor children taught by him in consideration thereof should be nominated, by the trustees (half of whom were Presbyterians), and the Protestant and Protestant Dissenting Clergymen of the parish. The agreement of 1854, between Mr. McGilverney (the representative of the surviving trustees), and the Revs. Lyle and Biedermann (Presbyterian Minister and Rector), provided that in the appointment of teacher the Presbyterian Minister and the Rector should have equal power.

And now your proposal is to continue the money to the teacher and withdraw from Presbyterians all power in his appointment. The only *quid pro quo* which you allow to us is the right to nominate six poor children to receive free education, and inasmuch as there are now two schools at Ramonn, a male and a female, and Sharp's money goes to the male teacher, our power of nomination is restricted to boys. Besides this right of nomination is now practically valueless. In former times, when a teacher was more dependent on school fees, it was worth something. But now a teacher is always willing to teach a number of children gratis without nomination by anybody, in order to keep up the attendance required to enable him to draw the Board salary, and for the sake of the Rector's Fees they may bring him. Sometimes, indeed, a teacher is very anxious to get them. I have been in Ballycastle nine years, and I have not nominated even one child. So that the right of nomination is not of much value.

By your proposed Scheme then our share of the money is to be continued to the teacher, but our share in his appointment is to be swept away. Henceforth,

by arrangement of the Educational Endowments Commission, Presbyterians are to have no power whatever either in the appointment of teacher or in the application of the money. I protest in the strongest possible manner against the proposed arrangement.

It may be said that the school is now under the National Board, and that by the rules of that Board the power of appointing the teacher rests with the manager. I presume it was put under the National Board on the application of the manager—the incumbent of the parish. But that is no reason why Presbyterians should be deprived of their rights. Sharp's will gives the Presbyterian Minister and the Rector equal power in the appointment of teacher. If the Rector will not consent to carry out this arrangement, then he cannot fairly get Sharp's money for his teacher. In that case the annual income must be added to capital as was done formerly by Mr. McGilverney, until a National School is established in or near Ballycastle under Presbyterian management.

I would suggest also the change of the word "master" to teacher in the last line but one of paragraph 5, page 6 of Draft Scheme, so as to allow the money to be paid to a female teacher or a male teacher as might be for the convenience of the place. At the time the will was made teaching was considered almost exclusively a man's work. It is not so now, and in some cases a female teacher suits better than a male.

Signed on behalf of the Presbyterians of the Parish of Ramonn,

JOHN JACKSON.

Presbyterian Minister,
Ballycastle.

SCHEME No. 126.—THE CHARLTON CHARITY.

I.—The Most Rev. CHARLES P. REICHEL, D.D., Bishop of Meath.

I accept the general principles of the Draft Scheme for the administration of the Charlton Fund, which appear to me to be:—

1st.—Equal distribution of the Fund between Protestants and Roman Catholics.

2nd.—Provision for application of whatever portion of the Fund may be superfluous for marriage portions to the benefit of young women in other ways, especially in the way of education and of knowing in useful industries.

I confess, however, that I should have much preferred that the whole fund should be devoted to the latter purpose, or to technical education, which is eminently needed in Ireland.

That the aim of the Testator was to increase the number of Protestant day labourers in the counties in which he was interested, is evident. This aim he endeavoured to secure by stimulating very early marriages, in the case of males between the ages of fifteen and thirty. Accordingly, up to 1877, the fund was exclusively enjoyed by Protestants, and when the supposed benefits of it were extended to Roman Catholics, by the Chanery Scheme of 1877, they were only to receive what might remain over after all Protestant claimants on the fund had been satisfied. It seems on this view somewhat grasping to object to Protestants receiving even half of that, the whole of which had been intended for them; more especially as the new provision for the extension of the fund to educational purposes will completely remove the objection to an equal division grounded on the parity of Protestant claimants for marriage portions.

Protestants are much worse off than Roman Catholics in the matter of education throughout three-fourths of Ireland, on account of the sparseness of their numbers, which makes it very difficult to maintain schools in which their religion will not be imperilled; and in my own Diocese I can certify that money given for education would be a much greater and more real benefit than money given to promote (or reward) early and generally improvident marriages.

I may remark on some subordinate details:—

(1.) That I object to the provisions which makes the Chairmanship of the Local Committee the subject of election. If the Bishop is ex-officio a member of the Local Committee, he ought to be ex-officio the Chairman of such Committee.

I find that objection has been taken to sub-section (3) in section 25 (p. 12 of Draft Scheme). I presume on the ground that this sub-section would make it impossible to give the marriage portion to a young woman who should have stood by marriage for a previous breach of chastity. But I cannot agree with the objection. It is of great importance that this should not be made light of.

We cannot in these days afford to condone unchastity.

I venture to submit my views in this way to my Lords of the Privy Council, as I shall probably be unable to attend the meeting at which the Draft Scheme will be discussed.

C. P. MEATH.

August 25, 1891.

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II.—The Most Rev. THOMAS NOLLY, D.D., Bishop of Meath.

Mullingar, August 26th, 1891.

The scheme drafted by the "Endowed Schools Commissioners" for the future management of the "Charlton Charity" appears to me to be fairly open to several grave and serious objections. At present, however, for want of time, I will make only a few of them; the others I may make at some suitable time hereafter.

The great object at which Mr. Charlton's Will manifestly aims, is to encourage and stimulate the multiplication of lawful marriages amongst the labouring population of the counties of Meath and Longford, where his property principally lies. Now, no living man can be better informed on the existing state and condition of the labouring classes, and indeed of all classes of society, in the county of Meath, than I am. I was born in that county. I was reared and educated in it. I discharged the duties of a missionary priest for a great part of my life in various parishes in it. I was even a parish priest in it; and as a bishop I visited every parish in it. I inspected every church, chapel, and school, and cemetery in it more than scores of times during the last twenty-six years. I have personal knowledge of every locality in the county, and there is hardly any man of standing in it with whom I am not actually acquainted.

Speaking, then, from actual experience, I confidently assert that I have hardly ever met with more than about a dozen Protestant families that really belonged to the labouring class—that is to say, to the class of men who are obliged to make their living wholly out of the earnings of unskilled labour. The vast majority of the labouring population is all Catholic, and the Catholic element in it may be fairly estimated at about 98 per cent. of the whole. And that percentage and that proportion between the two religious denominations is maintained with hardly any substantial alteration as far back as the lifetime of Mr. Charlton himself.

Now there is not a single clause in Mr. Charlton's Will that excludes Catholics from sharing in the benefits of his bequest, or which confines them exclusively to a small Protestant minority, and in which the Charity itself should necessarily prove practically inoperative and abortive. It was only in the great Catholic majority that the multiplication of lawful marriages, and the consequent increase and expansion of the labouring population which Mr. Charlton desired, were really possible and practicable. In the Protestant minority there was hardly any room for any substantial increase or expansion at all. Again, he broke up the income of a splendid property into fragmentary marriage portions of £6 16s. 6d. for each, with a view of conferring a substantial benefit on each, and at the same time of extending it to as many as possible. And it was only by the distribution of these marriage portions among the Catholic majority that more than a mere fractional part of its income could in any circumstances be ever wholly absorbed.

From the breadth of the range of Mr. Charlton's benevolent aims and benevolent intentions, as well as from the interest he naturally felt in the success of his scheme, it evidently should follow that the great Catholic majority of the labouring population in Meath and Longford, too, should be by far the greater gainers and the larger sharers of the benefits of his bequest.

But Mr. Charlton was an Irish gentleman who led a quiet uneventful life in a rather retired locality in the county Meath. The cultivation and intellectual requirements of Irish squire at that period were not of a very high order, and were hardly ever distinguished by high business capacity and practical foresight and shrewdness. Mr. Charlton encumbered his Will by clauses and conditions which practically neutralised and defeated his own intentions, and made

it morally impossible for the benefits of his Bequest to reach the vast majority of those for whom they were expressly intended. The Trustees, in whom he vested his estates, were the four members of Parliament, and the two High Sheriffs of the counties of Meath and Longford. This was his first great mistake. The meetings he directed to be held at Navan and at Longford for transacting the business of the Charity could only be reached by long journeys and at great personal inconvenience by most of the Trustees, and there was no interest or excitement in these meetings strong enough to reconcile the Trustees to the sacrifices they demanded.

A few of the meetings held in the beginning may have been fairly well attended, but their novelty soon wore away, the attendance gradually diminished, and finally ceased altogether. The Charity, therefore, collapsed for want of a competent legal authority to administer it.

Again, Mr. Charlton's Will required the certificate of the marriage to be signed by "the Minister and Churchwardens," before the contracting parties could be paid the marriage portions to which they were entitled. Now, in several parishes of Meath and Longford there are no Churchwardens at all; and, consequently, marriages celebrated in these parishes were entirely excluded from the benefits of the Bequest.

Mr. Charlton's last mistake was the greatest of all, and the most fatal to the success of the scheme. Catholic parties who contracted marriages before the "Minister and Churchwardens" were then, and are still, clearly entitled to the marriage portions awarded by the bequest; and Mr. Charlton, not indeed in bad faith, or through any sinister design, but through sheer ignorance of Catholic faith and Catholic feeling, foolishly imagined that the Catholic population of both these counties would rush recklessly into these marriages for the purpose of appropriating the pecuniary endowments annexed to them.

That Mr. Charlton should feel as intense interest in the success of a scheme on which he expended, if not the earnings of a whole life, at least the whole income of a splendid property, will hardly be questioned by anyone; that instant of splendid success, the Scheme would prove a total failure, if the Catholic held tightly aloof from it, was patent to the whole world. But Mr. Charlton did not believe they would hold aloof from it.

But the Catholic labouring population of Meath and Longford, with very few exceptions, repudiated these invalid and sacrilegious marriages with scorn and disdain: they shunned them as they would a pest or a plague; and they thus killed the scheme practically.

The aggregate income and amount of the property increased, multiplied, and accumulated in thousands of pounds sterling, because there was hardly anyone who would accept these marriage portions on the conditions under which they were offered. Fortunately, the law of the land at length stepped in, corrected all Mr. Charlton's mistakes, and infused new life and vitality into his scheme, which had lain dead and buried for years previously. It is the duty, as well as the right, of the State, through the courts or tribunals which it commissions, to reverse and reject the benevolent intentions of charitable testators, to carry out their wishes into practical effect, and to the fullest extent of their usefulness, by removing the obstacles that impeded or crippled their freedom of action, and that, perhaps, rendered them wholly inoperative and abortive.

In the year 1836 the Court of Chancery took the Charity in hands. It at once summarily dismissed the Trustees appointed by Mr. Charlton himself in his Will, and charged itself with the responsibility of the sole and exclusive management of his property. In the parishes where there were no Churchwardens, it

directed that the absence of their signatures from the marriage certificates should no longer bar the payment of the marriage portions to which the parties were entitled. But the great obstacle to the success of Mr. Charlton's scheme still remained. The celebration of the marriage ceremony before a Protestant clergyman practically excluded Catholics from any share whatever in the benefits of the Charity.

In the year 1877, the Court of Chancery practically abolished that iniquitous condition, and the funds of the Charity at last became accessible to Catholics, without any violation of conscience. Under an order issued by the Court at that date, Catholic marriages in Meath drew from the funds of this Charity, for the last thirteen years, an average sum of £257 annually, whilst their Protestant brethren in the same county, though most unjustly favoured, were able to claim no more than £79 annually. Now, it must be always carefully borne in mind that Protestants, any more than Catholics, have no right or title to marriage portions under the bequest, save and except those derived under the provisions of Mr. Charlton's Will. Now, as a matter of fact, the Catholics of Meath have received, under the Chancery scheme, during the last thirteen years, a much larger share of the funds of this Charity than their Protestant brethren in the same county. Therefore, on the showing of this Court, we had, under Mr. Charlton's Will, a strict right to that notch of R., at any rate. Even the Endowed Schools Commissioners in their draft scheme are willing to award to Catholics the half of the whole income derived from this property. Therefore they, too, admit that under Mr. Charlton's Will, our claim to one half of his property is clear and unquestionable. But the true and logical inference deducible from the admissions of the Endowed School Commission on the one hand, and from the actual practice of the Court of Chancery on the other, is that both officially and authoritatively admit that Catholic marriages at the present day, when they are strictly legal, embody all the essential properties and conditions which Mr. Charlton requires to entitle the contracting parties to their full and fair share of the benefits of his Bequest. If these Catholic marriages were not the full legal equivalent of the marriage Mr. Charlton requires, the Court and the Commission would simply stultify themselves in allowing us any share at all in the pecuniary emoluments of his Bequest. The Court of Chancery and the Endowed Schools Commission have received no mandate from the State to create new rights, to bestow voluntary gifts, or to lavish marriage portions on those who have no right or title to receive them; but they have received a mandate to investigate, recognize, and to sanction authoritatively real and true rights already existing, to adjust and arrange them when they seem conflicting, and to administer strict justice to all classes of Her Majesty's subjects.

Even in the different propositions in which the Court and the Commission are willing to dole out to us the pecuniary emoluments of Mr. Charlton's Bequest, they practically confess that they have removed the last and the greatest obstacle to the success of his scheme, that Catholic marriages that are now contracted in strict accordance to law are everything he did, or could reasonably require; and, consequently, that we have clear and unquestionable rights, not merely to smaller or greater portions of the endowment, but to our full and fair share of the whole.

I feel it a duty, then, to inform the Endowed Schools Commissioners that we Catholics are not prepared to surrender our clear and unquestionable rights to our fair share of the benefits of the Charity in exchange for the moiety which their draft scheme offers us. Neither are we ready to barter that right for the vastly larger proportion of it that we have actually received within the last thirteen or fourteen years under the Chancery Scheme. We stand and insist on our clear and unquestionable claim to our full and fair share of the whole of this Charitable Bequest, cheer-

fully acknowledging and admitting the right of the Protestant minority to their fair share of it also.

Except for the creation and establishment of a practical and efficient Board of Management, I can see no grounds for the interference of the Endowed Schools Commissioners here at all. Why? Protestant and Catholic marriages that are now legally and validly contracted are the very identical marriages contemplated by Mr. Charlton's Will, and it was to stimulate the multiplication of these very marriages, and the consequent expansion of the labouring population, that he made this Bequest at all. The property he bequeathed for that purpose, expressly, is doing a vastly larger amount of good, at the present moment, than at any previous period in its history. Urgent and imperceptible restrictions no longer obstruct or limit the full swing of its activity, or blight its fecundity or fruitfulness. The labouring population of the county of Meath, at any rate, never needed so desperately to recruit and renew its wasted energies, and to increase and multiply its numbers, as at the present moment. The very time they stand in the saddest need of the benefits of Mr. Charlton's Bequest, to which they have the clearest and the most unquestionable claims, is the moment that is arbitrarily chosen by the Endowed Schools Commissioners to despoil them of those benefits. The Endowed Schools Commissioners may have the right to interpret a Will whose meaning seems obscure, and where the intentions of the testator are doubtful and uncertain; they may have the right to devise a scheme for the removal of obstacles that have arisen in the course of time, and by which the benevolent designs of a charitable testator have been obstructed, crippled, and, perhaps, wholly defeated; but they have no right, without any reason or necessity at all, to set aside his Will altogether, and at the very time it is at the very height of its efficiency, and doing the largest possible amount of good that could be expected from it.

Catholic and Protestant marriages stand now on a footing of perfect legal equality; they deserve exactly, under the Will of the founder, the same amount of encouragement, and are entitled to equal pecuniary aid and assistance. Under the stimulating influence given by this Charity, and the multiplication of lawful marriages, the growth and expansion of the labouring population will advance rapidly, and the funds of the Bequest will hardly be ever able to satisfy the just and numerous claims that are sure to be made on it.

Under the Chancery Administration from the very beginning, the funds of this Charity may have been inequitably, and perhaps even unjustly, distributed; but at no period has any portion of them been diverted from the purpose for which they were expressly bequeathed by the testator. Every successive order of the Court distinctly aimed at giving a larger and a wider application of the funds to the purposes which the testator expressly intended.

But under the Commissioners' scheme a large slice of the funds are diverted from the objects for which the testator expressly bequeathed them, and are appropriated to the teaching of technical education, which Mr. Charlton never dreamt or thought of. Educational endowments and marriage portions are essentially different conceptions, and instead of being always kindred ideas, they will be often found directly antagonistic. Let the Endowed Schools Commissioners, then, create a practical Board of Governors that will be fairly representative of the interests to be protected and of the parties who have just and legal claims under the Charity, let them honestly and openly acknowledge the equal rights of Protestants and Catholics alike to the marriage portions it bestows; and, following the example of the Court of Chancery, let them invariably aim at the enlargement of its proper sphere of usefulness in encouraging the multiplication of lawful marriages, and they will have rendered a splendid public service to the labouring

population of Meath and Longford that can never be forgotten to them.

I am and ought to be the last of living men that would attach an undue amount of importance to an imputation of sectarian partiality to which the Commissioners, quite unconsciously to themselves, have nevertheless fairly exposed themselves. With the exception of the modifications and improvements that I have already noticed and examined, no reason or necessity on earth exists for making any substantial change in the framework of Mr. Charlton's Charity.

Owing to the enormous preponderance of their numbers, Catholics must be really the larger gainers under this Charity, and in the exercise of their just and legal rights they will peacefully absorb nearly the whole of its emoluments. The Court of Chancery had already pillaged us Catholics sufficiently by bestowing on every Protestant marriage the sum of £35 at the very time that it awarded to Catholic marriages only a fractional part of that amount, although, on its own showing, the claims of both, in justice and in law, were practically equal. But the Endowed School Commissioners go much further, and inflict a still greater wrong on us. Their draft scheme wantonly and arbitrarily despoils us of nearly one-half of what practically under Mr. Charlton's Will is wholly and entirely ours, and it bestows it on Protestants, who have a right to no more than a small fractional part of it; obliging them to spend the remainder of it in technical education, which the

testator never even thought of. This cool and deliberate piece of wholesale spoliation can hardly be censured too severely.

Again, the draft scheme splits up the whole of the income of the Charity into two equal parts, and assigns one of these parts for expenditure in Longford, and the other in Meath, in plain and outrageous violation of the wishes of the founder, who had expressly directed that two-thirds of this income should be expended in Meath, and only one-third in Longford. The example set by the Court of Chancery in doing nearly the same thing is no justification for the direct contempt offered thus to the Will of the testator. The equality that arose in the partition of the funds of the Charity between Meath and Longford under the Chancery scheme was an accidental result of the unjust distribution it had already made of them between Catholics and Protestants. It was not as here expressly and directly intended.

Lastly, this scheme gives the Protestant Diocesan Council the right of nominating two members on their governing Board, whilst it simply ignores the very existence of a kindred Catholic Council, whose functions, rights, and duties are evidently the same as theirs. Catholics, therefore, cannot but regard this scheme as partial and unfriendly.

✠ THOMAS NULTY,
Bishop of Meath.

III.—The Most Rev. BARTHOLOMEW WOODLOCK, D.D., Bishop of Ardgagh.

St. Mel's, Longford,
28th August, 1891.

DEAR SIR,—Referring to the draft scheme, published by your Commission on the 30th June of this year, and to your letter of the 8th July ult., I beg to say, that in reply to your previous letter I suggested the names of three clergymen as my representatives on the Longford Catholic Committee.—

- 1st. Because I took it for granted that our three Poor Law Unions would select lay gentlemen, and
- 2ndly. Because I believe that clergymen, such as those I named, are generally more thoroughly conversant than laymen with the state of our labouring agricultural class, to which the Charity applies, and more likely to be able to guard the Committee against imposition and to secure the fair distribution of the Fund.

I accept the scheme generally.

But I think, that instead of the Longford portion of the endowment being divided equally between Protestants and Catholics, a more equitable basis for division would be in proportion to the relative numbers of Protestant and Catholic agricultural day-labourers in the County of Longford, as shown by the Census of this year, 1891.

Thanking your Commissioners for their courteous communications,

I have the honour to be, dear sir,

Your faithful servant,

✠ BART. WOODLOCK,
Bishop of Ardgagh and Clonsillaire.

IV.—THE MEATH AND LONGFORD PROTESTANT COMMITTEES.

Cortown, Kells, Co. Meath,
26th August, 1891.

1. They object in principle to the transfer of any portion of a purely Protestant charity to Roman Catholics, and they therefore pray the Commissioners to set aside the arrangement made by Lord Chancellor Hall in 1877.

2. They object to the election of members of Committee by Boards of Guardians, and they suggest that they be appointed by the Diocesan Councils.

3. They suggest that the age of women eligible for marriage portions be extended to forty years.

4. They suggest that the marriage portion be fixed at £15 instead of £10, as the latter sum is not likely to prove of much real service, and for that reason may in all probability be squandered at the outset.

5. Referring to section 25, sub-sec. (2), page 12, they would invite attention to the fact that in the original will the substance of this sub-section was not referred to, and they object to being constituted judges of "good character and reputation."

Signed on behalf of the Meath and Longford Committees,

GARRETT NUGENT.

V.—THE LONGFORD PROTESTANT COMMITTEE.

Templemichael Rectory, Longford,
August 24th, 1891.

The Protestant Committee for county Longford, and a few influential clergymen of the county, met on August 19th, to consider the Draft Scheme of the Commissioners. I am instructed to lay before the Commissioners the following protest, objections, and amendments to the Draft Scheme:—

1. The Committee cannot allow the deliberate transfer of any portion of this purely Protestant Church Charity to Roman Catholics or to any other religious body, without recording their most earnest protest against such a needless departure from the Will or intention of the Testator. Such alienation of the fund to purposes foreign, nay, antagonistic to the Testator's Will, should be resisted strenuously.

2. The exclusive right of the Protestant Church of Ireland claimants to the entire fund is fully admitted in the Chancellor's Scheme of 1836; and the absolute priority of such claimants is fully preserved, even in Chancellor Hall's Scheme of 1877. By that scheme other persons were allowed to participate in the benefit of the fund only to cut up the residue (if any) after the legitimate claims were satisfied. Such a convenient, though scarcely legal method of disposing of the surplus, cannot be supposed to give such persons any right whatever in law or equity to any fixed portion of this fund as is proposed in the Draft Scheme.

3. Further, the Committee consider that had Chancellor Hall hit on the idea of the Commissioners and ordered the residue, after giving £25 marriage portions, to be applied to the advancement in life by other means, as suggested in Draft Scheme, page 12, sect. 16, for the benefit of the Protestant Church of Ireland members of the labouring class, such would have been much more in accordance with Testator's intention. This principle "of *pro*" of adhering as closely as possible to a Testator's intention, well known

to lawyers, ought to have shaped the Chancellor's Scheme and the decision of the Commissioners. And the Committee consider justice and equity demand that this course should now be followed.

If, however, their protest on behalf of their co-religionists be disregarded and their objections overruled after appeal, and the Draft Scheme or some modification of it be upheld and forced on them, the Committee respectfully offer the following suggestions and amendments.

1. The Committee object to Boards of Guardians of the Poor Law, being Roman Catholics, having any voice in the appointment of members of the Protestant Committee; such should be co-opted by the members elected by Diocesan Council.

2. They suggest that the age of women eligible for marriage portions be extended from thirty to forty years as in the Will of Testator.

3. That the marriage portion be £15 not £10, as being more in accordance with the Testator's intention of permanently benefiting the parties.

4. That the amount allowed in otherwise assisting deserving parties be extended from £10 to £15.

5. Inasmuch as the Will is silent as to the "character and reputation" of claimants, the Committee consider it unnecessary and inexpedient that they should be constituted judges of such qualifications.

6. That the word Protestant all through the Draft Scheme should be defined as meaning "Members of the Church of Ireland."

7. The term "Bishop of Kilmore," page 6, sect. 13, and elsewhere, should be "Bishop of Ardagh," the county of Longford being exclusively in the diocese of Ardagh.

(Signed), FREDERICK POTTERTON, Clk.
Archdeacon of Ardagh.

VI.—THE NAYAN BOARD OF GUARDIANS.

Nayan Union,
28th August, 1891.

I am directed by the Board of Guardians of this Union to forward the following copy of a resolution, passed at their meeting of the 26th instant, viz:—

Resolved—

"That this Board objects to the Draft Scheme proposed by the Educational Endowment Commission with reference to the 'Chariton Trust,' as a just and fair distribution of the Charity, inasmuch as—

"1st. It ignores the right of the County

Meath to the two-thirds of the entire fund, as the terms of the Will direct.

"2nd. That we consider that the Catholics are not fairly treated, having regard to the fact that they are in the ratio of about 72c to 10c of the entire population;

"And that our clerk be directed to lodge our objection to the said scheme before the 30th instant."

(Signed), GEORGE LACY
Clerk of Union.

VII.—THE DUNSHAUGHLIN BOARD OF GUARDIANS.

Dunshaughlin Union,
July 33rd, 1891.

The Board of Guardians of this Union have directed me to forward a copy of Resolution passed by them on the 31st instant, hoping it will meet your best attention.

(Signed), P. MORRIS,
Clerk of Union.

Proposed by Archibald H. Hamilton, seconded by Richard Langan.

Resolved—

"That this Board has seen with surprise that the Endowment Commissioners have excluded the Dun-

shaughlin Union from Representations on the Local Committee in connection with the new Scheme of the Chariton Bequest propounded by them, and that before making it permanent, this Board request their attention to the valuation and area of the Union, and the great desirability of having local knowledge brought to bear in the distribution of the funds under the Scheme in its extended form."

Adopted.

MICHAEL REILLY, Chairman.

Dated this 21st day of July, 1891.

VIII.—THE PROTESTANTS of the PARISH of CASTLERICKARD.

By a letter published by the Rev. J. Healy, of Kells, it appears there is another change about to be made in the distribution of the Chariton money; it is evident it was intended for Protestants, and not for any other Sect, it was never thought of for any other denomination until it was found that the six guineas was not able to exhaust the interest, we presume that was why the Lord Chancellor in 1877, arranged that the Roman Catholics were to get the surplus after giving twenty-five pounds to the poor Protestants married in Meath and Longford when there was a change made, would it not have been more in keeping with the Will to have given it for other purposes to Protestants, and we think if the Trustees did their duty, it would have been given to Protestants, only in the case of the Dempsey Fund referred to in the Rev. J.

Healy's letter, he showed that Protestants never claimed any portion of it, although they would have as good grounds for doing so as the Roman Catholics have for claiming any of the Chariton money; we object very strongly to any more infringement on our rights.

Signed by us, on behalf of the Protestants of Castlerickard Parish.

THOMAS FOSTER, Treasurer.
GARRETT GILL, Synodarian.
THOMAS FOSTER, Nominator.
WM. RYNDOLLS, Nominator.
WM. SHERRIN, Nominator.
WILLIAM J. GILL, Churchwarden.
E. W. HANBURY.

IX.—THE PROTESTANTS of the PARISH of KEILIA.

It has been declared on several occasions that the principle on which the Commissioners have acted in framing their schemes is that when a charity can be no longer applied advantageously in the way intended by the founder, it shall be devoted, as far as possible, to the benefit of the same class as that for which the charity was first intended.

This principle has been acted on in most, if not all, of the schemes framed up to the present, and has obtained the approval of all parties.

It has, however, been departed from in the case of the scheme proposed for the Chariton Charity.

We submit that the Chariton Charity was intended for Protestants, and for no others, for the following reasons:—

1. The express statement of Mr. Chariton that the parties claiming the marriage portion shall produce a certificate of such marriage solemnized in the presence of, and signed by the Minister and Churchwardens of the parish in which the girl lives. This is capable of no other meaning than that the parties should be married in the Protestant Church, and therefore must belong (one of them at least) to that faith. It may be true that at one time all parties were required to be married in the Protestant Church; but this—if ever generally enforced—was in disuse long before the date of Mr. Chariton's Will.

2. Mr. Chariton names as Trustees of the Charity the four members of Parliament and two High Sheriffs of the counties of Meath and Longford for the time being. These, according to the law of the time, were Protestants, and could not be otherwise. In other cases the Commissioners have taken the religion of the trustees, when it was exclusively confined to one denomination as sufficient proof of the intention of the founder to limit his charity to that one denomination.

3. Mr. Chariton contemplates the possibility of the number of applicants being insufficient for the whole of the sum provided, although at the time the county Meath was largely in tillage, instead of being in grass as at present, and therefore the number of day labourers must have been greater in proportion. When his will was made Meath and Longford together had not very much short of one hundred thousand inhabitants more than their present population. Under such circumstances, and with an increasing population, the possibility of the number of candidates not exhausting all the fund would have been remote unless if he had intended that under any circumstances Roman Catholics would have been eligible.

The provision which Mr. Chariton made in case the number of applicants was insufficient shows in what way he wished the fund to be applied in case it was found to be more than sufficient for Meath and Longford. He directs in such case, not that the

Roman Catholics should participate—which would at any time have more than exhausted all the fund—but that the distribution should be extended to the neighbouring counties. It is worthy of remark that his bequest is for the benefit of the sons of day labourers—not for their daughters, as is erroneously assumed all through the "Draft Scheme." And this distinction is of more importance than would seem at first sight, for it should lead us to doubt whether his intention ever was (as is assumed in the Chariton Scheme) to impose on the additional participants (those from the adjoining counties) a condition different from that which he imposed on the others. If his object were only to benefit the daughters of Meath and Longford labourers, it is easily explicable that he allows them to marry either in their own or in an adjoining county, while he does not allow an equal privilege to the sons, who must marry in their own county or forfeit the marriage portion. But he sets down distinctly that his bequest is for the benefit of the sons of day labourers of Meath and Longford; first, who are to marry daughters of day labourers of the said counties; and then, when these claims are all satisfied, in the second place, for the sons of day labourers belonging to the adjoining counties. It is at least a doubtful point whether it means that these must marry Meath or Longford girls in order to be eligible. But it is not in any way doubtful that he wished to extend his charity over a greater area of the Protestant population in preference to taking in any of the Roman Catholics.

The Commissioners propose another way by which the whole of the fund could be advantageously expended for the benefit of the class for whom it was primarily intended, viz., advancing in life the daughters of day labourers and providing for them technical education. For these purposes the help which it is proposed shall be given to the Protestants would be undeniably inadequate. The providing of marriage portions is now of comparatively small use to the children of Protestant day labourers in these counties. Things are very different at present from what they were at the beginning of the century. Now, for the most part the Protestant labourers' daughters go to domestic service in different parts of the country, and when they marry, their husbands very naturally come from the different parts where they live. Many others emigrate and make homes for themselves in the colonies and in America. When Mr. Chariton made his Will, on the contrary, these would for the most part have stayed at home; if they went into domestic service it would be in their own neighbourhood, and if they married it would be mostly in their own county. Under these altered circumstances, therefore, which Mr. Chariton could not foresee, we submit that his design of aiding the families of day labourers in

Meath and Longford would be well carried out by providing for the daughters such instruction as would enable them to support themselves comfortably and to better their condition in life.

With regard to the Chanery Scheme of 1877, we have to remark that in Dr. Molloy's observations, and to some extent in the Draft Scheme itself, it seems to be assumed that the Commissioners are bound to take it as a basis. This, we submit, is not the case. The Lord Chancellor, in 1877, did not consider himself bound by the scheme of 1838, but altered it by bringing in participants whom it did not allow and who were never contemplated by the original Will. If the Scheme of 1877 had given general satisfaction to all parties, it might perhaps be taken now as a basis; but no one has been satisfied with it. The Roman Catholics cannot understand why, if they had any right to participate, they should not participate on equal terms with the Protestants; and the Protestants, knowing that no such right existed, and that the fund was left for their exclusive use, have regarded the

Chanery Scheme as a great injustice. Nor is their sense of the injustice lessened by their being told that they might have objected at the proper time, when, as a matter of fact, no one seemed to know what was being done until it had become an accomplished fact.

The Chanery Scheme, however, goes on the principle that Roman Catholics are only to participate when the fund cannot be advantageously expended on Protestants. It is because it also goes on the assumption that the fund can only be applied as marriage portions that it alienates the greater part of the fund from those for whom it was originally intended. This assumption has been discarded by the Commissioners, and we therefore now submit that the whole fund can and ought to be applied to the benefit of those for whom it was intended.

(Signed), J. W. HEALY, CLK., LL.D.,
Rector of Kells.
JOHN FROTHERY,
GEORGE ARMSTRONG, C.W., } Churchwardens of
Kells Parish.

X.—THE PROTESTANTS OF THE PARISH OF RATHCORE.

Rathcore Rectory,
Enfield,
Co. Meath,
28th August, 1891.

I respectfully submit the following objections in behalf of the Protestants of this parish for the consideration of the Commissioners.

1. I cannot but regard it as unjust to set aside, for the exclusive benefit of Roman Catholics, any part of this property bequeathed for the sole benefit of Protestants, as it must be understood from Mr. Thomas Charlton's will, particularly that part of it which makes it necessary for claimants to be married in presence of, and to produce marriage certificates signed by, the ministers and churchwardens of the parishes, in which the girls who were married and became applicants, lived.

2. Up to the present time it has been allowed, in the practical administration of the charity, that it was so bequeathed solely for the benefit of Protestants; and, moreover, since the year 1838 the fund has been administered under the Court of Chanery, which, in admitting the Protestant nature of the whole Charity, in its administration of the property, has acknowledged that in equity as well as in law, the bequest was for the sole benefit of Protestants.

3. Although the Order of the Lord Chancellor, of May 9th, 1877, permitted the surplus money in any year, after all Protestant claims had been first satisfied, to be distributed among Roman Catholics, yet even this Order recognises the claims of Protestants in the first instance, to the whole annual sum to be distributed, whereas by the present Draft Scheme, the claims of Protestants given through the Protestant claims may in the future become an hundredfold more

numerous than at present) are absolutely shut out from half of the Charity.

4. The Order of the Lord Chancellor of the 9th May, 1877, even though it be taken on the basis of a concession to Roman Catholics, cannot be regarded as affording a precedent for the change proposed by the Draft Scheme; since such a precedent as it furnishes would provide for Roman Catholics only after the Protestants were first fully served, not only by giving marriage portions but also by helping to educate and apprentice; objects towards which, very wisely as I think, the Draft Scheme proposes that the Charity may be expended.

5. The concession to Roman Catholics made by the Lord Chancellor's Order of the 9th May, 1877, appears to have been granted, not because of any legal right of Roman Catholics to a share of the Charity, but because it was thought better that the surplus should be thus spent than that it should go to increase the principal, which, by like increments for many years, had grown so large as to provide more annually than could be exhausted by the Protestant claims. The concession made for that reason was not, and would not, be opposed by Protestants. But now, by applying the annual income to educating and apprenticing the daughters of laborers, as well as to portion those of them who get married, the whole annual income would probably be too little to satisfy the Protestant claims alone; and thus be appropriating a portion of the Charity exclusively to Roman Catholics, a grievous wrong would be done to the Protestants, for whom the bequest was intended originally.

(Signed), JAS. B. H. MURPHY, A.M.,
Rector of Rathcore,
Co. Meath.

XI.—THE PROTESTANTS OF THE PARISH OF RATHMOLLOY.

August 19, 1891.

We, the undersigned members of the Parish of Rathmolyon, County of Meath, Irish Church, strongly object to the Draft Scheme for regulating the Charlton Charity, which was published by your Board, 30th June, 1891 (by which half the money is to be given to Roman Catholics). It is quite evident from the Will it was never intended that any of the money should be given to them. The reason given why it was extended in 1877 by the Lord Chancellor was because there were not Protestant applicants sufficient to exhaust the interest at £3 6s. Would it not have been more in accordance with the Will of the testator

to have given it for educating poor Protestant girls and giving them trades, or extending the ages, and not refuse it as was the case some four years ago (in this parish), because the man was over thirty years of age?

We hope your Board will see us fairly treated and not have us deprived of our lawful right.

Signed on behalf of the Protestant parishioners,
GARRETT GILL, Parochial Treasurer
and Nominator.
HUGH CHAS. HANBURY, Synodman.
SAMUEL NEVIN, Churchwarden.
PHILIP H. GILL, Churchwarden.

XII.—ST. GEORGE R. JOHNSTON, J.P.

Rathcline, Lanesboro',
August 24, 1891.

SIR,—You will please take notice that circumstances have arisen which necessitate my withdrawal from Longford Protestant Local Committee, as representing the Diocesan Council in administering the Chariton Charity.

You will please signify my resignation, in order

that steps may be taken by the Secretary of the Diocese of Arlough—Charles Battersby, Esq., Cromlyra, Rathewen—to have my successor appointed.

I remain, sir, yours obedient,
(Signed), ST. GEORGE R. JOHNSTON.

The Secretary,
Educational Endowments Commission,
22, Nassau Street, Dublin.

XIII.—P. M. LAFFAN, SEXTON, TARA.

1. That there be no maximum limit of age for the husband, or that it be considerably increased.

2. That the abrogation of the thirty years limitation will be made retrospective for a limited number of years—say five—and that labourers otherwise qualified at the time of marriage be now allowed to become participants of the fund, every one of such receiving as much as he would have got had he been a successful candidate the year of his marriage.

3. That the female applicant should not be debarr'd by reason of her having attained to over thirty years of age (in antagonism to the letter and spirit of the will) that the old limit of forty be retained, or none.

4. That the amount of money payable to successful applicants should be not less than £15, so as to enable the newly married people to purchase a cow if they should so desire.

5. That the Scheme should be so enlarged as to admit herds and their daughters, as it is not likely that the present distinction between herd and labourer then existed.

6. That in the event of an agricultural labourer's daughter intermarrying with a small landholder or other non-labouring resident in Meath or Longford, she should not thereby be disqualified from receiving the portion.

7. That candidates who failed, in consequence of not having made application for the fund within the prescribed period—one year—ought to get some grace on this occasion; they are certainly on the borderland, and ought not have the law too rigidly enacted against them under all the circumstances of the case.

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